

**ROAD TRANSPORT (AMENDMENT) BILL, 2023**

*(Bill No. 9 of 2023)*

**EXPLANATORY STATEMENT**

The object of this Bill is to introduce amendments to the Road Transport Act (Cap.206).

In more detail the Bill provides as follows —

The Bill amends section 5 to make provision for vehicle testing of all new vehicles at the point of import. All new vehicles imported must be tested on arrival then the next test must be done only after three years have lapsed. Thereafter, vehicle testing must be done every year.

The Bill inserts a new section 7A which will prohibit the importation of vehicles with tint or as well as use of tint or any device or material on vehicles already in Seychelles, on the front windscreen and front windows of a vehicle that obscures the view of the inside of the vehicle from the outside unless permitted by the Commissioner of Police. Further the Bill amends section 8 prohibiting the transporting vehicles onto La Digue Island without the authorization of the Minister responsible for transport.

The Bill inserts a new section 9A which requires the licensing authority to establish registers of vehicles in Seychelles as well as a register for driving licences that will be accessible to the public on payment of a prescribed fee. Further the Bill amends section 24(2) of the principal Act, it makes provision for stiffer more prohibitive monetary and imprisonment penalties. It amends the maximum fine from SCR10000 to SCR20000. It amends the maximum imprisonment term from 2 years to 3 years.

This Bill introduces new subsections 27A to 27F. These sections introduce a merit system in road transport regulation. This system will entail that at the promulgation of prescribed regulations every holder of a licence and every recipient of a new licence will be at the onset be awarded with a prescribed number of merit points. These merit points are then deducted each time a licence holder commits a specified offence. The provisions then

outline what instances then lead to suspension or revocation of a license and at which point a person can then apply for the lifting of any suspension or revocation. The last inserted section then speaks to the creation of an Appeals Board.

The Bill makes amendment to section 28 that provides for the power of the Minister to make regulations. The Minister is further empowered to make regulations on matters relating to the operation of the merit points system.

**Dated this 27<sup>th</sup> day of July, 2023.**

**ANTONY DERJAQUES  
MINISTER OF TRANSPORT**

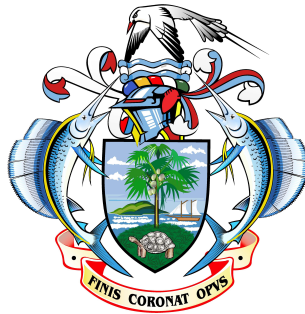
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**ROAD TRANSPORT (AMENDMENT) BILL, 2023***(Bill No. 9 of 2023)***ARRANGEMENT OF SECTIONS****Sections**

1. Short title.
2. Substitution of term “Road Transport Commissioner”.
3. Amendment of section 2.
4. Amendment of section 5.
5. Insertion of section 7A.
6. Amendment of section 8.
7. Insertion of section 9A.
8. Amendment of section 24.
9. Insertion of sections 27A-27F.
10. Amendment of section 28.

**ROAD TRANSPORT (AMENDMENT) BILL, 2023**

*(Bill No. 9 of 2023)*



**A BILL**

**FOR**

**AN ACT TO AMEND THE ROAD TRANSPORT ACT, (CAP 206).**

**ENACTED** by the President and the National Assembly.

**Short title**

**1.** This Act may be cited as the Road Transport (Amendment) Act 2023.



### **Substitution of term “Road transport Commissioner”**

2. The Road Transport Act (Cap 206), in this Act referred to as the “principal Act” is amended by repealing the terms “Road Transport Commissioner” or “Transport Commissioner” wherever they occur and substituting them with the term “Director General of Land Transport”.

### **Amendment of section 2**

3. Section 2 of the principal Act is amended —

- (a) by inserting, after the definition of the term “commercial vehicle”, the following —

“Director General of Land Transport” means the Director General of Land Transport appointed in terms of section 11;”

- (b) by inserting, after the definition of the term “licensing authority”, the following —

““Minister” means the Minister responsible for land transport;”

“Notice” means a written notification, issued by the Director General of Land Transport, in the form and manner as may be prescribed by regulations;”

- (c) by repealing the definition of the expression “Transport Commissioner”.

### **Amendment of section 5**

4. Section 5 of the principal Act is amended by inserting the following new subsections after subsection (3) —

“(3A) Notwithstanding subsections (1), (2), and (3) any person importing a new vehicle into Seychelles must ensure such vehicle undergo vehicle testing upon entry into the country.

(3B) A vehicle tested in terms of subsection (3A) shall be issued with a vehicle licence valid for three years, with the licence fee being paid annually.

(3C) After the expiry of the three year vehicle licence, the vehicle shall be required to be re-tested every year and the licence issued shall be valid for one year.

### **Insertion of section 7A**

5. The principal Act is amended by inserting the following section after section 7 —

#### **“Prohibition on importation and use of vehicle with specified particulars**

7A.(1) Notwithstanding the provisions of sections 3 and 5, no vehicle may be imported into Seychelles or used on any road in Seychelles if the vehicle's front windscreen, or any front window —

- (a) is fitted with glass or such other transparent material, which is tinted or darkened in any way; or
- (b) is tinted, treated or darkened in any way including being affixed with any device or material so as to obscure the view of the interior of the vehicle from the outside,

unless permitted by the Commissioner of Police.

(2) The Minister may by regulations —

- (a) prescribe the conditions for, and manner of the grant of, any exemption from the application of subsection (1);
- (b) prescribe offences;

- (c) prescribe the revocation of approval of any grant of permission under regulations made under this Act;
- (d) regulate the seizure and impounding of vehicles contravening subsection (1);
- (e) prescribe a fixed penalty for offences committed under subsection (1); and
- (f) prescribe any other matter that may be necessary to be prescribed for the purpose of enforcing the provisions of subsection (1).

### **Amendment of section 8**

6. Section 8 of the principal Act is amended by inserting the following new subsections after subsection (4) —

“(5) No person shall transport any vehicle to La Digue that has not been permitted for use on La Digue under this section.

(6) Any person who contravenes subsection (5) commits an offence and shall be liable to a fine not exceeding level 2 on the Standard Scale.”

### **Insertion of new section 9A**

7. The principal Act is amended by inserting the following section after section 9 —

#### **Register of vehicles and register of driving permits**

9A.(1) The licensing authority shall establish and maintain a register of vehicles in which the licensing authority shall keep records of all vehicles registered under this Act.

(2) The register maintained under subsection (1) shall contain in respect of every vehicle —

- (a) the name, address, national identity number or such other identity details of the owner as may be prescribed;
- (b) where the owner is a body corporate, the name, address of the registered or principal place of business of the owner and any number of registration or incorporation of the body corporate;
- (c) where the owner is a partnership, the details of every partner set out under paragraph (a) or (b);
- (d) where a person trades under a business name, in addition to the details contained in paragraph (a), (b) or (c), the business name and the business name registration number;
- (e) where the owner is a minor or an interdicted person or a person subject to supervision, the details of the minor or interdicted person or the person subject to supervision and his or her guardian as provided under paragraph (a);
- (f) where the owner is deceased and an executor to his or her estate has been appointed in accordance with the Curatelle Act, 2021, (Act 23 of 2021) or the Civil Code Act of Seychelles, 2020 (Act 1 of 2021) the details of the executor as provided under paragraph (a) and the details of the appointment of the executor;
- (g) the make, model, body type, colour and year of manufacture of the vehicle;

- (h) the engine and chassis numbers of the vehicle; and
- (i) any other information required by the licensing authority.

(3) For the avoidance of doubt, no vehicle shall be registered only under the business name of a person registered under the Registration of Business Names Act.

(4) The licensing authority shall establish and maintain a register of driving licences in which it shall register all driving licences issued indicating the name, address, national identity number of the holder, the date of issue, the class of vehicles authorised and a record of any suspension or revocation of the driving licence of the licence holder.

(5) The register referred to in subsections (1) and (2) shall be kept in such manner as the licensing authority considers appropriate including, either wholly or partly, by means of a device or facility —

- (a) that records or stores information electronically or by other means; and
- (b) that permits the information so recorded or stored to be readily inspected or reproduced in any form the licensing authority deems appropriate.

(6) The records maintained under subsections (1) and (2) shall be open for inspection by the public only with regard to the name and identification particulars of the owner of the vehicle in question.

#### **Amendment of section 24**

**8.** Section 24 of the principal Act is amended in subsection (2) —

- (a) by repealing, after the words “period not exceeding”, the number “2” and substituting it with the number “3”;
- (b) by repealing, after the words “fine not exceeding”, the sum “R10,000” and substituting it with the expression “level 3 on the Standard Scale”.

### **Insertion of sections 27A-27F**

9. The principal Act is amended by inserting the following sections after section 27 —

#### **“Interpretation in section**

**27A.(1)** For the purpose of this section —

“Authority” means the authority established or designated under the merit points regulations;

“Registrar” means the Registrar of the Supreme Court and includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrates' Court;

“merit points” means points referred to in section 27B; and

“merit points regulations” means regulations made by the Minister under this Act on the subject of merit points and its system.

#### **Merit points system**

**27B.(1)** There is established a merit points system set out in terms of this section.

(2) The merit points system referred to in subsection (1) shall come into operation in accordance with the provisions of the merit points regulations made under this Act.

- (3) The merit point system referred to in subsection (1) is a system of merit points —
- (a) that are awarded to a holder of a driving licence —
    - (i) on the first time issuance of a driving licence;
    - (ii) on renewal of a person's driving licence as carried forward from a previous licence; or
    - (iii) subsequent to the reinstatement of a driving licence as a result of a suspension under this Act; and
  - (b) which may, upon conviction of an offence by the licence holder under this Act, any regulations, or any other enactment in relation to the use of road transport, be deducted in accordance with prescribed regulations;
- (4) The Minister may, in accordance with section 28 establish or designate an authority that shall —
- (a) prescribe such offences;
  - (b) prescribe the penalty, expressed as a single unit or multiple units accorded a monetary value, which shall be deducted for each infringement under this section;
  - (c) prescribe the merit points which are deducted for each offence or infringement under this section; and

- (d) prescribe courses on road safety and the issue of certificates.

(5) The Director General of Land Transport shall open a Register of Merit Points in which he or she shall record all information pertaining to drivers' licenses on the issue of merit points or suspension or cancellation of any driving licence.

(6) In any proceedings, a certificate, issued by the Authority that purports to be signed by or on behalf of the Authority stating the merit points lost by a person, is sufficient evidence of the facts stated unless the contrary is proved.

### **Operation of merit points**

**27C.(1)** On commencement of operation of the merit points, the merit point system shall apply to every person —

- (a) holding a driving licence; or
- (b) being issued a driving licence by the licensing authority; or
- (c) renewing his or her driving licence, and such person shall be awarded such number of merit points by the Director General of Land Transport as the Minister may prescribe.

(2) Where a holder of a driving licence, having been awarded merit points in terms of section 27B (4), commits an offence warranting the loss of merit points in terms of the merit points regulations, the Authority shall —

- (a) deduct the appropriate merit points from the driving licence of the holder in accordance with the prescribed regulations; and



- (b) record such deduction against the holder's driving licence as well as in the register of driving licences.

(3) The holder of a driving licence, whose licence has had a specified number of merit points deducted in accordance with the merit points regulations shall be notified of that fact by notice issued by the Authority.

### **Suspension of licence**

**27D.**(1) Where all merit points have been deducted from a license, the Authority may, on the recommendation of the Director General of Land Transport, suspend the licence holder's driving licence for a term prescribed by the merit points regulations, which shall be not less than 12 months.

(2) A driving licence suspended under subsection (1) shall not be reinstated until the expiry of the period for which the licence is suspended.

(3) Subject to the provisions in subsection (1), a person whose licence is suspended by the Authority for the first time subsequent to being deprived of all his or her merit points, may, during the subsistence of the suspension, apply to the Authority, in such manner and with such supporting information and fees as may be prescribed, for the variation of the term of the suspension.

(4) A person whose licence is suspended under this section —

- (a) shall hand in any driving licence card in the prescribed manner to the issuing authority for retention by such issuing authority during the suspension period;
- (b) shall produce any driving licence contained in an identity document to such

issuing authority for endorsement as suspended and deal with it in the prescribed manner; and

- (c) may not apply for a driving licence during the suspension period.

(5) Any person who fails to comply with the provisions of subsection 4 (a) or who drives a vehicle during the suspension period commits an offence.

(6) A person guilty of an offence under subsection (4) shall be liable —

- (a) in the case of a first conviction, to a fine not exceeding level 2 on the Standard Scale or imprisonment for a period not exceeding 1 year or to both;
- (b) in the case of a second or subsequent conviction for the same offence that was committed within a period of 1 year of the date of the commission of the offence for the first conviction, or subsequent conviction, to a fine not exceeding level 3 on the Standard Scale or imprisonment for a period not exceeding 2 years or to both.

(7) Upon expiry of his or her suspension period, a person referred to in subsection (1) may apply in the prescribed manner to the issuing authority to return his or her driving licence card.

(8) Where a person is convicted by a Court for an offence for which his or her licence is not suspended but which warrants the deduction of merit points, the Registrar shall inform the Authority of the conviction, and the Authority shall, in accordance with the merit points regulations, deduct from the

licence such number of merit points as are prescribed in the merit points regulations.

(9) Subject to subsection (10), a person who has served the period of his or her licence suspension, shall have the licence reinstated.

(10) Notwithstanding subsection (9), a person whose licence is suspended by the Authority more than once shall, at the end of the last suspension period, satisfy the Authority that he or she has obtained such certificate as may be prescribed, issued by the Director General of Land Transport, and has met the requirements that may be prescribed, which may include the passing of a driving examination.

(11) A person aggrieved by a decision of suspension of his or her driving licence or by a decision taken with regard to the deduction of merit points, may, in such manner as may be prescribed, appeal the to the Appeals Board constituted under section 27F.

(12) The Appeals Board shall, within 21 days from the date of receipt of the appeal, dispose of the appeal.

### **Revocation of license**

**27E.(1)** The Authority shall revoke a licence which has been suspended five times from the commencement of the merit points regulations.

(2) Where a person commits more than one offence at a time, each warranting the forfeiture of merit points, the Director General of Land Transport shall record the number of merit points deducted for each offence

(3) The Director General of Land Transport may, after the period for which a record of forfeited merit points expires, reinstate merit points forfeited in such manner as may be prescribed.

(4) This section shall not apply to a person who is convicted of an offence under this Act and whose licence is suspended under section 27.

### **Appeals Board**

**27F.(1)** There shall be constituted, for the purpose of section 27A, an Appeals Board.

(2) The Appeals Board shall consist of three members —

(a) a chairperson having qualifications and experience in law;

(b) an officer from the Department of Land Transport; and

(c) a police officer.

(3) The President shall, in consultation with the Minister, appoint the chairperson and members of the Appeals Board on such terms and conditions as the President determines and shall cause their appointments to be published in the Gazette.

(4) The chairperson and other members of the Appeals Board shall hold office for three years and shall be eligible for reappointment.

(5) A member shall not hold office for more than two terms.

(6) A member may resign from office upon giving three months written notice to the President.

(7) The President may at any time remove a member from office on the grounds of the member's —

- (a) misconduct, default or breach of trust in the discharge of his or her functions; or
- (b) conviction of an offence and being sentenced to a term of imprisonment of three months or more; or
- (c) mental or physical incapacity to carry out his or her function under this Act; or
- (d) undischarged insolvency or bankruptcy.

### **Amendment of section 28**

**10.** Section 28 of the principal Act is amended by inserting after subsection (1)(gg), the following paragraphs —

- “(hh) all matters pertaining to merit points required to be prescribed under this Act;
- (ii) the manner of making appeals to the Appeals Board and any other matter required to be prescribed to ensure the efficient functioning of the Appeals Board;
- (jj) the importation of vehicles and spare parts;
- (kk) the powers of the police, the Director General Land Transport, the traffic warden or any delegated officer of a designated authority, against any person who is found in contravention of this Act;
- (ll) authorising a designated authority to immobilize, tow and impound vehicles that are the subject of an offence prescribed by the Minister and for the charging of fees for the impounding and removal, and all matters pertaining to such powers.”.