

Seychelles

## Road Transport Act

### Chapter 206

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# Seychelles

## Road Transport Act

### Chapter 206

Commenced on 1 January 1936

*[This is the version of this document as it was at 1 August 2016 to 16 February 2020.]*

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#### 1 Short title

This Act may be cited as the Road Transport Act.

#### 2. Interpretation

For the purpose of this Act unless the context otherwise requires—

"**alcoholic drink**" means any drink containing alcohol and includes spirits, wine, beer, bacca, toddy and la purée;

"**commercial vehicle**" means a vehicle used or intended to be used for the conveyance of goods, either for hire or in connection with the trade or business of the owner of the vehicle;

"**licensing authority**" means the Licensing Authority established under section 3 of the Licences Act;

"**motor vehicle**" means a vehicle propelled by any form of mechanical power and includes a motor bicycle, with or without a sidecar or trailer, a motor tricycle and a bicycle or tricycle assisted by a motor, but not a vehicle drawn by another motor vehicle;

"**police officer**" includes a traffic warden appointed under [section 24A](#);

*[inserted by section 2(a) of by Act [14 of 2000](#) w.e.f. 27 November 2000]*

"**Private omnibus**" means a motor vehicle, having seating capacity for more than nine persons other than the driver;

"**private vehicle**" means any vehicle not being a public or commercial vehicle;

"**public omnibus**" means a public vehicle other than a taxi or self-drive hire vehicle used for conveying passengers for hire or reward whether at separate fares or otherwise;

"**public vehicle**" means a taxi, a self-drive hire vehicle, a public omnibus and a private omnibus;

"**regulations**" means the regulations made under this Act;

"**road**" includes any highway, street, bridge, square, court, alley, lane, bridge way, track, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access whether on payment or otherwise;

"**self-drive hire vehicle**" means a motor vehicle hired out, or intended to be hired out, by the owner or operator thereof under the terms of a hiring agreement made in respect thereof for the purpose of being driven by the hirer or by a person authorised by the hirer; and

"**tare weight**" means the weight of a vehicle unladed inclusive of the body and all part which are necessary to or ordinarily used with the vehicle when used on a road;

"**taxi**" means a motor vehicle having seating for not more than eight passengers which is hired with a driver for the carriage of passenger for reward otherwise than at separate fares, but does not include a self-drive hire vehicle;

*[amended by section 2 of Act [12 of 2000](#) w.e.f. 6 November 2000]*

"**Transport Commissioner**" means the Road Transport Commissioner appointed under [section 11](#);

"**vehicle**" means any kind of wheeled transport propelled or drawn by mechanical power, animals or persons and used or intended to be used for the conveyance of goods or persons on any road, and includes a rickshaw, a bicycle, and a tricycle.

### 3. Restriction on weight of vehicle imported

- (1) No person shall, except with the written permission of the Minister, import into Seychelles any vehicle the weight of which exceeds the weight prescribed by regulations.
- (2) It shall be lawful for the Collector of Customs to detain at the risk and expense of the importer any vehicle imported in contravention of subsection (1).

### 4. Trailers

It shall be unlawful for any motor vehicle to pull or draw any other vehicle whatsoever without express permission as may be provided for by regulations unless the vehicle drawn has separate steering apparatus and is controlled by a driver licenced as hereinafter provided.

The owner and driver of any motor vehicle so employed shall be guilty of an offence.

### 5. Licensing of vehicles

- (1) Save as hereinbefore provided no person being the owner of a vehicle (other than a rickshaw) shall drive or permit any other person to drive such vehicle on any road unless the owner shall first have obtained a licence to keep such vehicle under the Licences Act and the vehicle has been registered in accordance with the provisions of this Act.
- (2) A licence shall be in such form and subject to such conditions and shall be carried on the vehicle in such a way as may be prescribed under the Licences Act.
- (3) A licence to keep a motor vehicle may be granted or renewed for a period not exceeding 12 months (running from the first day of the month for which the licence is issued).
- (4) There shall be paid such fees as may be prescribed under the Licences Act for a licence or renewal of a licence.
- (5) A licence to keep a private or commercial vehicle shall be transferable on such terms and conditions as shall be prescribed under the Licences Act; a licence to keep a public vehicle shall not be transferable.
- (6) The licensing authority may revoke or refuse to renew a licence to keep a public vehicle if it is satisfied that such vehicle was used more than once in connection with an offence or attempted offence involving violence, fraud or dishonesty.
- (7) The licensing authority shall not issue a licence to keep a vehicle until such vehicle has been registered.
- (8) The Minister may give to the licensing authority a direction on the maximum number of vehicles or of any type or class of vehicle which may be registered or licenced.
- (9) A direction under subsection (8) may be given with respect to the whole of Seychelles or to any part of Seychelles.
- (10) The licensing authority shall observe directions under subsection (8).

- (11) Subject to [section 8](#), this section, other than subsections (8), (9) and (10) of this section, shall also apply to a vehicle which is the property of the Government of Seychelles.

*[\*Note to 1996 Ed: Bullock-carts do not require a licence (Schedule 2 Licences Act [Cap. 113](#))]*

## 6. Motor dealer's vehicle licence

- (1) Notwithstanding [section 5](#) or [section 9](#), the licensing authority may issue to a dealer in or manufacturer of motor vehicle or trailers or a motor mechanic or garage owner licenced under the Licences Act a motor dealer's vehicle licence under the Licences Act authorising the use on the road of such motor vehicle or trailers as the licensing authority may specify in the licence.
- (2) A motor dealer's vehicle licence shall authorise the use on a road of any motor vehicle or trailer being driven or drawn to the motor dealer's or manufacturer's or repairer's place of business after delivery thereof to him, or being tested by the motor dealer, manufacturer or repairer, or being tested or used for the purpose of effecting a sale or for such other purpose as may be prescribed:
- Provided that a motor dealer's vehicle licence shall not authorise the carriage of passengers or goods for hire or reward or of any person not employed by the motor dealer, manufacturer or repairer, as the case may be, or not engaged in testing the vehicle or inspecting the same with a view of purchase.
- (3) In issuing a motor dealer's vehicle licence under this section, the licensing authority shall assign a general trade number consisting of the prescribed letters and sufficient identification numbers and, if it is so prescribed, sufficient discs or tokens in the prescribed form so as to identify all motor vehicles or trailers used under the authority of such licence, and shall enter such numbers in the licence.
- (4) Subject to subsection (2), a general trade number assigned under this section to any motor dealer or manufacturer or repairer, as the case may be, shall be interchangeable between different motor vehicles or trailers in his possession and shall, when, in use, be fixed on the vehicle or trailer in the prescribed manner.
- (5) A motor dealer's licence shall be valid for 12 months from the date of grant unless earlier revoked by the licensing authority.

## 7. Offence

- (1) No person shall use a motor dealer's vehicle licence—
- (a) for any purpose not provided by or under subsection (2) of [section 6](#);
  - (b) unless he is the holder of the licence or is a person duly authorised by the holder thereof.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable on conviction to a fine of R5000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

## 8. Use of vehicles on La Digue

- (1) Notwithstanding anything in the foregoing provisions of this Act, no person shall use a motor vehicle on La Digue without a permit in respect of the use of that vehicle from the Minister responsible for Transport.
- (2) A permit under subsection (1) may be issued subject to such conditions, including the payment of a fee, as the Minister responsible for Transport may determine and, in particular may specify—
- (a) the use to which the vehicle may be put; or
  - (b) the period for which the licence is valid.

- (3) Any person who contravenes the provisions of this section or who fails to comply with the terms of a permit is guilty of an offence and is liable to a fine of R. 10,000 and to imprisonment for six months and to confiscation of any vehicle used in contravention of the section or in respect of which the failure to comply with the permit occurred.
- (4) The Minister responsible for Transport may at any time, vary or alter any of the conditions attached to a permit issued under subsection (1) or may, at any time, revoke such a permit.

## 9. Registration of vehicles

- (1) The owner of a vehicle (other than a rickshaw), unless exempted from the provisions of this Act relating to licensing and registration, shall on applying for a licence register the vehicle at the office of the licensing authority.

The licensing authority shall assign to each vehicle registered by it a separate registration mark which shall, in accordance with the regulations, consist of letters or numbers or both and shall be affixed to the vehicle in the manner prescribed by regulations.

- (2) There shall be paid such fees as may be prescribed by regulations for the registration of a vehicle.
- (3) The Minister after consultation with the Minister for Finance shall have power to remit any registration or licence fees payable under this section or grant free registration, provided that the other requirements with regard to registration are complied with.
- (4) It shall be unlawful for the owner of a registered vehicle to transfer the ownership of the vehicle to another person save in accordance with the regulations.

## 10. Operator of omnibus

No person shall use a public or private omnibus on the road except under and in accordance with the licence granted under the Licences Act.

## 11. Appointment of Road Transport Commissioner and other officers

- (1) There shall be a Road Transport Commissioner appointed by the Minister who shall, subject to the general directions of the Minister, exercise such powers and perform such duties as is conferred upon him by this Act.
- (2) The Transport Commissioner may, from time to time, delegate for such time as may be specified any of the functions conferred upon him by this Act.

## 12. Licensing of drivers

- (1) Save as provided in this Act, no person shall drive any motor vehicle on a road unless he is licenced for the purpose under the Licences Act and no person shall employ a person as a driver of such vehicle who is not licenced to drive such a vehicle.
- (2) The licensing authority may grant such licence on being satisfied that the applicant—
  - (a) is competent to drive the vehicle in respect of which his application is made, and is not disqualified under the provisions of this Act;
  - (b) has paid the fee prescribed by regulations under the Licences Act.
- (3) No licence shall be granted to a person who is under the age of 18 years, provided that a licence to drive a motor cycle may be granted to a person over the age of 16 years.

In case of doubt the licensing authority shall be the judge of the age of the applicant.

- (4) A driving licence may be issued for 12 months or for 60 months and shall be valid for the period of issue from the date of commencement stated on it, which shall not be earlier but may be later than the date of issue.
- (5) If it appears to the licensing authority that there is reason to believe that a person who holds a driving licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by his licence to drive, to be a source of danger to the public, and on inquiry into the matter the licensing authority, is satisfied, that he is suffering from such disease or disability as aforesaid, then the licensing authority may, after giving him notice of its intention so to do, revoke or refuse to renew the licence:

Provided that the licence holder may, except in the case of any such disease or disability as may be prescribed by regulations, claim to be subjected to a medical test as to his fitness or ability to drive a motor vehicle, and if he passes the medical test the licence shall not be revoked or shall be renewed, as the case may be. The medical test shall be carried out by the Chief Medical Officer or by a medical practitioner approved by him.

### 13. Evidence by certificate of driving licence and vehicle licence

In any proceedings for an offence under this Act a certificate, signed by or on behalf of the licensing authority and stating that, on any date, a person was or was not licenced to drive any motor vehicle of any category or a vehicle was or was not licenced shall be *prima facie* evidence of the facts stated; and such a certificate purporting to be signed by or on behalf of the licensing authority shall be deemed to be so signed unless the contrary is proved.

### 14. Exemption of certain vehicles

- (1) No licence and no registration shall be required in respect of any vehicle which is the property of the President or which is the property of the Government and used by the President.
- (2) No fee shall be payable in respect of the registration or the licensing of which is the property of the Government.
- (3) No fee shall be payable in respect of the licensing of a vehicle which is constructed and used solely for the purpose of agriculture or for the carriage of the produce of or articles required for the use of agricultural land, but the fee prescribed for registration of such vehicle shall be payable.

### 15. Exemption from licence duty

The following vehicles shall be exempt from licence duty namely—

- (a) vehicles used by or for any public department;
- (b) vehicles kept exclusively for sale;
- (c) vehicles which are not used on public roads, provided that the possessors of such vehicles declare them to the licensing authority and obtain from the authority an acknowledgement that such vehicles are free from licence duty;
- (d) any vehicles which the Minister after consultation with Minister for Finance may exempt from taxation.

### 16. Bye-laws

The Transport Commissioner may by regulations prescribe and regulate parking places for public vehicles.

## 17. Power to prohibit or restrict use of vehicles on specified roads

- (1) The Transport Commissioner may, with the approval of the Minister, by order published in the *Gazette*, prohibit or restrict, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles or any specified class or description of vehicles on any specified road in any case in which he is satisfied that any such vehicles cannot be used or cannot without restriction be used on that road without endangering the safety of the vehicles or the persons therein or of other persons using the road or that the road is unsuitable for use or for unrestricted use by any such vehicles.
- (2) The Transport Commissioner may, with the approval of the Minister make an order under this section for any of the following purposes—
  - (a) the specification of the routes to be followed by vehicles;
  - (b) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description either generally or during particular hours;
  - (c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;
  - (d) the prohibition or regulation of the use of any road or any part thereof for the hire of any vehicles;
  - (e) otherwise in relation to the regulation or traffic:

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may reasonably be required for the vehicles of any class or description to any premises situated on or adjacent to the road.

- (3) An order made under this section and expressed to be a temporary order shall come into force on the date of its publication in the *Gazette* or on such later date as may be expressed in the order and shall remain in force for such period not exceeding three months as may be specified therein. An order not expressed to be a temporary order shall come into force on the date of its publication in the *Gazette* or on such later date as may be expressed in the order.
- (4) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section shall be guilty of an offence and shall on conviction be liable to the penalties provided for under subsection (2) of [section 24](#).

## 18. Power of Transport Commissioner temporarily to prohibit or restrict traffic on roads

- (1) Subject to the provisions of this section, if the Transport Commissioner is satisfied that traffic on any road should, by reason of works of repair or reconstruction being required or being in progress on or under the road, be restricted or prohibited, he may restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as he may consider necessary.
- (2) Before prohibiting the use of a road under this section, the Transport Commissioner shall seek the approval of the Minister and shall cause notice thereof to be published in one newspaper circulating in Seychelles.

Every notice shall contain a statement of the effect of the prohibition and a description of the alternative route, if any, available for traffic.

- (3) So long as any restriction or prohibition made under this section is in force, a notice stating the effect thereof and describing any alternative route available for traffic shall be kept posted in a conspicuous manner at each end of the part of the road to which the restriction or prohibition relates and at the points at which it will be necessary for vehicles to diverge from the road.



- (4) Any person who uses, or causes or permits the use of, a vehicle in contravention of any restriction or prohibition imposed under this section shall be guilty of an offence and shall on conviction be liable to the penalties provided for under subsection (2) of [section 24](#).

## 19. Power to place traffic signs

- (1) The Transport Commissioner may, with the approval of the Minister, cause to be erected and maintained traffic signs on or near any road.
- (2) Traffic signs which have been erected before the coming into force of this section shall be deemed to have been erected under the authority of this section.
- (3) Any person engaged in the erection or maintenance of traffic signs placed in accordance with subsection (1) may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of the powers and duties under this section.
- (4) Traffic signs shall be of the design and type as may be prescribed by regulations.
- (5) All traffic signs shall be deemed to have been lawfully erected until the contrary be proved.
- (6) Any person wilfully and unlawfully damaging, moving, defacing, altering or otherwise interfering with, any traffic sign shall be guilty of an offence and shall on conviction be liable to the penalties provided under subsection (2) of [section 24](#).

## 20. Penalties for neglect of traffic directions

Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road or where any traffic sign, being a sign for regulating the movement of traffic or indicating the route to be followed by traffic or indicating by a number of parallel white lines a place where foot passengers may cross any road has been lawfully placed on or near any road, any person driving or propelling any vehicle who—

- (a) neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the police officer in the execution of his duty; or
- (b) fails to conform to the indication given by the sign,

shall be guilty of an offence and shall on conviction be liable to the penalties provided under subsection (2) of [section 24](#).

## 21. Parking

- (1) The Transport Commissioner may, with the approval of the Minister, by order published in the *Gazette* prohibit or restrict subject to such exceptions and conditions as may be specified in the order, the parking of vehicles either absolutely or during certain days or during certain hours.
- (2) The provisions of subsection (3) of [section 17](#) shall apply to an order made under subsection (1).
- (3) The Transport Commissioner may, under the authority of [section 19](#) cause to be erected and maintained signs to indicate where parking is prohibited or restricted or where parking is allowed in accordance with any order made under subsection (1). Any such signs shall fall within the category of traffic signs and the provisions of [section 19](#) shall apply with respect thereto.
- (4) Any police officer controlling traffic may temporarily for the purpose of preventing obstructions prohibit or restrict the parking of vehicles on any part of the road.
- (5) Any person who parks a vehicle or causes or permits a vehicle to be parked in contravention of an order made under subsection (1) or of any prohibition or restriction under subsection (4) shall be guilty of an offence and shall on conviction be liable to the penalties provided under subsection (2) of [section 24](#).

## 22. Speed of motor vehicles

- (1) Notwithstanding the provisions of any regulations under paragraph (v) of subsection (1) of [section 28](#) or irrespective of whether such regulations have been made, the Transport Commissioner may, with the approval of the Minister—
  - (a) impose on any road such limit or lower limit of speed as he considers necessary in circumstances when, by reason of repairs, reconstruction or damage to the road such limit of speed is necessary for the public safety or to prevent damage to the road, provided that such limit shall be imposed only for such period as is necessary to carry out repairs or reconstruction or until the condition of the road is satisfactory; or
  - (b) impose on any road or area such limit or lower limit of speed as may be necessary for the safety of the public having regard to the width of roads, nature of traffic or general development of the area:

Provided that in any case whilst such limit of speed is in force under the provisions of this section indication of the maximum speed permitted shall be given by traffic signs erected and maintained as provided under [section 19](#), so as plainly to indicate to drivers entering or leaving such restricted road where the speed limit begins and ends.

- (2) Any person who drives, or being the owner or person in charge of a motor vehicle, causes or permits any other person to drive, any motor vehicle at a speed exceeding the limit imposed under the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to the penalties provided under subsection (2) of [section 24](#).

## 23. Foot-passenger crossings

- (1) The Road Transport Commissioner may, with the approval of the Minister, establish crossings for foot-passengers on any road.
- (2) The Minister may make regulations with respect to the precedence of vehicles and foot-passengers respectively and generally with respect to the movement or traffic (including foot-passengers), at and in the vicinity of a crossing (including regulations prohibiting foot-passenger traffic on the road within 100 metres of a crossing) and with respect to the indication of the limits of a crossing by marks on the road or otherwise and to the erection of traffic signs in connection therewith. This includes the power to make regulations with respect to the indication by marks or devices on or near the road or otherwise of any matter relating to the crossing.
- (3) Different regulations may be made under this section in relation to different traffic conditions and, in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from a junction of roads, and to traffic which is controlled by the police, and which is not controlled. This includes the power to make regulations applying only to a particular crossing or particular crossings specified in the regulations.
- (4) Regulations made under this section may provide that contravention of or failure to comply with any such regulations shall be an offence and a person guilty of any such offence shall on conviction be liable to the penalties provided under subsection (2) to [section 24](#).
- (5) In this section the expression "crossing" means a crossing for foot passengers established in accordance with the provisions of subsection (1) and indicated in accordance with the regulations having effect as respects that crossing, and all crossings shall be deemed to have been established and indicated as aforesaid unless the contrary be proved.

## 24. Offences

- (1) A person shall be deemed to commit an offence under this Act if—
  - (a) he commits an offence under the regulations;
  - (b) he drives a motor vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road;
  - (c) being the driver or in charge of a vehicle on any road or public place, he is drunk or is under the influence of drink or drugs to such an extent as to be unfit to drive or be in charge of a vehicle;
  - (d) being the driver of a vehicle driven so that an offence has been committed, he refuses to give his name and address or gives a false name and address;
  - (e) being the owner of a vehicle driven so that an offence has been committed, he fails to give any information which it is in his power to give and which may lead to identification and apprehension of the driver;
  - (f) being the driver of a motor vehicle he fails to produce his licence when it is demanded by a police officer;
  - (g) being the driver of a vehicle, he fails to stop when an accident occurs to any person or to any vehicle or animal, or to any property, owing to the presence of his vehicle on the road, or if required so to do by any person having reasonable grounds for so requiring, fails to give his name and address and also the name and address of the owner of the vehicle and the registration mark and number of the vehicle or fails to declare such accident as soon as reasonably practicable at the nearest police station, and in any case within twenty four hours of the occurrence thereof: in this paragraph the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog;
  - (h) he forges or fraudulently alters or uses or lends or allows to be used by any other person any mark for identifying a vehicle or any licence under this Act;
  - (i) he rides on, or takes and leads away, or in any way displaces any vehicle without the consent of the owner or person in lawful charge thereof;
  - (j) without the consent of the owner or person in lawful charge of a motor vehicle he rides in or drives the same or sets the machinery thereof in motion, or places such motor vehicle in gear, or in any way interferes with the machinery accessories or parts thereof;
  - (k) when driving or in charge of, or during any period of or before duty in connection with the driving of, a public vehicle, he drinks any alcoholic drink;
  - (l) he knowingly gives any driver or any person in charge of a public vehicle any alcoholic drink, whether for reward or not;
  - (m) he allows an unlicensed vehicle to be on any road whether or not such vehicle is being driven at the time.
- (2) Any person guilty of an offence under this Act shall be liable on conviction to imprisonment for a period not exceeding two years or to a fine not exceeding R10,000 or to both such imprisonment and fine.
- (3) Any police officer may arrest without warrant a person who commits an offence under paragraph (c) or (k) of subsection (1) of this section.

- (4) Any police officer may apprehend without a warrant the driver of a vehicle who commits an offence under this section within his view if he fails to give his name and address or produce his licence on demand or if the vehicle does not bear the prescribed identification mark.
- (5) The court may convict any person of an offence under this Act on the evidence of a single witness although it is not corroborated by any material evidence:

Provided that no person shall be convicted under subsection (1)(c) of this section on the evidence of one person only, unless there be material corroboration of such evidence.

- (6) For the purposes of paragraph (c) of subsection (1) of this section—
  - (a) a person shall be taken to be unfit to drive or be in charge of a vehicle if his ability to drive properly is for the time being impaired;
  - (b) a person shall be deemed not to have been in charge of a vehicle if he proves—
    - (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through being under the influence of drink or drugs; and
    - (ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.
- (7) —
  - (a) Subject to the following provisions of this subsection, where a person is prosecuted for an offence under [section 20](#) or under subsection (1)(b), (c) or (m) of this section he shall not be convicted unless either—
    - (i) he was warned at the time the offence was committed that the question of prosecuting him for one or other of the offences to which this subsection applies would be taken into consideration; or
    - (ii) within fourteen days of the commission of the offence a summons for the offence was served on him; or
    - (iii) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was served on him:

Provided that notice of intended prosecution shall be deemed to have been served on any person if it was sent by registered post or recorded delivery service addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.
  - (b) The requirements of paragraph (a) of this subsection shall in every case be deemed to have been complied with unless and until the contrary is proved.
  - (c) failure to comply with the requirements of paragraph (a) of this subsection shall not be a bar to the conviction of the accused in a case where the court is satisfied—
    - (i) that the name and address of the accused could not with reasonable diligence have been ascertained in time for a summons to be served or sent in compliance with the said requirements; or
    - (ii) that the accused by his own conduct contributed to the failure.

## 24A. Traffic wardens

- (1) In this section "specified provision" means—
  - (a) a provision of this Act;

- (b) any regulation made under this Act;
  - (c) a provision of any regulation under this Act;
- specified in the Schedule to this Act the contravention of which constitutes a prescribed offence under the Minor Offences (Fixed Penalties) Decree.
- (2) The Minister may appoint the wardens for the purposes of this Act.  
*[section 24A(2) amended by section 2(b) of Act 14 of 2000 w.e.f. 27 November 2000]*
  - (3) A traffic warden shall have powers of a police officer under the Minor Offences (Fixed Penalties) Decree for the purposes of implementing a specified provision under the Decree and for this purpose a reference in the Decree to a police officer includes a reference to a traffic warden.
  - (4) The Minister may, by regulations amend the Schedule.  
*[section 24A inserted by section 2(a) of Act 8 of 1997 w.e.f. 18 August 1997]*

## 24B. Functions of traffic wardens

- (1) It shall be lawful for a traffic warden to enforce any provision of the Act or any regulation made thereunder.
- (2) A traffic warden shall have the powers of a police officer under this Act for the purposes of subsection (1).
- (3) The Director General of Land Transport and the Commissioner of Police shall ensure the proper coordination of the functions of traffic wardens and police officers relating to the regulation and control of traffic.  
*[section 24B inserted by section 2(c) of Act 14 of 2000 w.e.f. 27 November 2000]*

## 25. Causing death by reckless or dangerous driving

A person who causes the death of another person by the driving of a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction to imprisonment for a term not exceeding five years.

## 26. Burden of proof

Notwithstanding anything to the contrary, where a person is charged with any offence under this Act concerning the possession of a driving licence, the burden of proving that he possesses such a licence shall be upon the person so charged.

## 27. Suspension of driving licence\*

- (1) Any court before whom a person is convicted of any offence under this Act or of any offence in connection with the driving of a vehicle—
  - (a) may, if the person convicted holds a driver's licence, suspend his licence for any specified period, and, where the court thinks fit, declare such person to be disqualified from obtaining a licence for any further period after the expiry of the licence:

Provided, however, where a person is convicted of an offence under subsection (1)(c) of [section 24](#) the court shall, unless for special reasons it thinks fit to order otherwise and

Note to 1996 Ed: See section 6(3)(b) of the Licences Act ([Cap 113](#)).

- without prejudice to the power of the court to order a longer period of disqualification, suspend the licence and declare such person to be disqualified from obtaining a licence for a period of not less than twelve months from the date of the conviction;
- (b) may, if the person convicted does not hold a licence under this Act, declare him disqualified from obtaining a licence for any specified period; and
  - (c) shall, if the person convicted holds a driver's licence, cause the particulars of the conviction and of any order of the court made under this section to be endorsed upon such licence and shall cause a copy of these particulars to be sent to the licensing authority by whom the licence was granted.
- (2) Any person so convicted if he holds any licence under this Act shall produce the licence to the court within seven days from the date of conviction for the purpose of endorsement and if he fails to do so shall be guilty of an offence under this Act.
- (3) A licence so suspended by the court shall during the time of suspension be of no effect, and a person whose licence is suspended or who is declared by the court to be disqualified from obtaining a licence shall during the period of suspension or disqualification not obtain a licence.
- (4) If any person who under the provisions of this Act is disqualified from obtaining a licence, applies for or obtains a licence whilst so disqualified, or if any person whose licence has been endorsed, applies for or obtains a licence without giving particulars of the endorsement, he shall be guilty of an offence under this Act and any licence so obtained shall be of no effect.
- (5) —
- (a) A person whose licence is suspended or who is declared to be disqualified from obtaining a licence may apply to the court by which the order of suspension or disqualification was made to remove such suspension or disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence and any other circumstances of the case, either by order remove the suspension or the disqualification as from such date as may be specified in the order or refuse the application.
  - (b) No application shall be made under paragraph (a) before the expiration of whichever is relevant of the following periods from the date of the order by which the suspension or disqualification was imposed, that is to say—
    - (i) one half of the period of disqualification if it is for less than six years but not less than two years;
    - (ii) 3 years in any other case.
  - (c) Where an application under paragraph (a) is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
  - (d) If under this subsection a court orders a suspension or disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant.

## 28. Regulations

- (1) The Minister may make regulations to carry out the objects and provisions of this Act and, without prejudice to the generality of the foregoing power, such regulations may provide for—
- (a) anything which by this Act is required to be or may be prescribed;
  - (b) the forms to be used for any purposes of this Act;
  - (c) the weights of goods and passengers, the number of passengers which vehicles may carry, the method by which seating capacity is to be determined and the gross weight of vehicles;

- (d) the weight and size of vehicles which may be permitted on any class of road and the manner in which, if at all, vehicles whose weight or size is in excess of the prescribed maximum weight or size may be allowed to use any road;
- (e) the construction of, and equipment to be carried by any class of vehicle, and in particular the type of tyres, lights and warning instruments to be carried by any class of vehicle, or any restriction in the carrying or use of lights and warning instruments;
- (f) prescribing minimum requirements as respects the condition of tyres used on motor vehicles and prohibiting the use on any motor vehicle of any tyres which does not conform to those requirements;
- (g) the carrying on any class of vehicle of any special identification plates, and the fees, if any, to be charged for such plates;
- (h) prohibiting or regulating the registration or licensing of any motor vehicle for use as an omnibus (as defined in the regulations) unless it is of a type approved for use as an omnibus (as so defined by the prescribed authority);
- (i) all matters relating to the inspection, registration, licensing, regulation and control of vehicles or of any class thereof, to the conditions which may be imposed and to the fees which may be charged in regard thereto;
- (j) prohibiting or restricting the possession or use of any motor vehicle, whether on a road or not, on any island other than Mahe;
- (k) the manner in which a licence, an identification plate or mark, a tariff of charges or the authorised number of passengers is to be displayed;
- (l) the notification of the change of ownership of any vehicle, the registration thereof and the fees to be paid on such change of ownership;
- (m) all matters relating to the licensing of owners, operators, drivers and conductors of public vehicles and of self drive hire vehicles, the regulation and control of the conduct of such drivers and conductors the wearing by them of special badges and uniforms and the fees to be paid for any badges provided by an authority;
- (n) conditions of service and hours of work for persons employed by owners of public or of commercial vehicles;
- (o) the regulation or prohibition of the carriage of luggage, animals or goods by or on public vehicles;
- (p) the maximum or minimum fares to be charged for the use of public vehicles at specified rates or for specified journeys and the control of charges that may be made in respect of the use of public vehicles and of self drive hire vehicles;
- (q) all matters that may prohibit or restrict unfair competition between public vehicles of the same class or of different classes;
- (r) the regulation of the timings of arrivals or departures of specified public vehicles whether they belong to a single or more owners and the running and keeping of such vehicles to specified time tables along specified routes;
- (s) the duty of public vehicles to carry passengers or accept fares and the extent of such duty, the taking up and setting down of passengers at specified points and the prohibition of the taking up and setting down of passengers between specified points;
- (t) the safety and convenience of passengers of public vehicles and the regulation of the conduct of such passengers;
- (u) the prohibition or restriction of the conveyance in public vehicles of persons suffering from any infectious or contagious disease;



- (v) the speed at which vehicles or any class of vehicles may be driven either generally or on any specified road or within any specified area or place;
  - (w) the class of driving licences which may be issued, the conditions to be fulfilled before driving licences are issued, the revocation of driving licences and the fees to be paid for driving licences;
  - (x) the establishment of driving schools, their maintenance, management and courses of driver training;
  - (y) the conditions upon which learners' driving permits may be issued and the fees to be paid for such permits;
  - (z) the procedure to be adopted and the conditions to be observed in connection with the issue of documents necessary for international travel and the use of such documents in Seychelles;
  - (aa) the conditions upon which motor vehicles licenced outside Seychelles may be used within Seychelles and on which persons holding driving licences or permits issued outside Seychelles may be allowed to drive within Seychelles;
  - (bb) persons riding on or in a motor vehicle of any class or description to wear protective headgear of such description as may be specified or to take such other measures of protection as may be specified, subject to such exceptions as may be provided and to such different provisions as may be made in relation to different circumstances;
  - (cc) evidence relating to charges of unfitness to drive or be in charge of a vehicle and all matters relating to the obtaining, production and effect of such evidence including the conclusiveness of such evidence;
  - (dd) the rules of the road, and the signals to be given and obeyed by drivers of vehicles;
  - (ee) all matters relating to the regulation and control of the movement of foot-passengers on roads, including the precedence of vehicles and footpassengers respectively and the prohibition of foot-passengers from walking on or along any road;
  - (ff) sizes or forms of notices, forms or records relating to taxis to be as decided or approved by the licensing authority;
  - (gg) any matter incidental to or consequential on any of the foregoing matters.
- (2) Regulations made under this section may create offences and provide that contravention of or failure to comply with any such regulations shall be an offence and such offences shall be punishable as provided for under subsection (2) of [section 24](#).

## 29. Criminal and civil liability not affected

Nothing in this Act shall affect any liability, whether criminal or civil, of the driver or owner of the vehicle by virtue of any law or Act for the time being in force:

Provided that no person shall be punished twice for the same offence.

## 30. Evidence by certificate of examination and testing of devices etc.

- (1) In any proceedings for an offence relating to the use of motor vehicle on a road a certificate purporting to be issued by a prescribed authority and certifying that a device or piece of equipment —
- (i) required by this Act to be or used as part of a motor vehicle;
  - (ii) used for the purposes of measuring, detecting or testing any matter or thing under this Act in accordance with the use of a motor vehicle; or



- (iii) used for the purposes of testing the fitness of a person to drive or to be in charge of a motor vehicle,

has been examined or tested shall be evidence of the facts stated in the certificate and of the accuracy or correctness of the device or piece of equipment within such limits of error, if any, as may be stated in the certificate.

- (2) In this section the expression "prescribed authority" means such person institute, laboratory, authority or body as may be prescribed by regulations for the purpose of examining or testing devices or pieces of equipment for the purposes of this Act and of issuing certificates under this section.

*[section 30 repealed and substituted by section 2 of Act 5 of 1996 w.e.f. 8 April 1996]*

## **Schedule (Section 24A)**

### **Specified provisions**

1. Section 17(4) read with paragraph 4 of the Road Transport (One Way Street and Restricted Road Use) Order.
2. Section 21 read with Road Transport (Parking) Order.
3. Section 21 read with paragraph 2 of the Road Transport (Parking Fees) Order, 1995.
4. Regulation 5 of the Road Transport (Pedestrian Zebra Crossings) Regulations read in conjunction with regulation 10 of those Regulations.
5. Regulation 7(2) of the Road Transport (Pedestrian Zebra Crossings) Regulations read in conjunction with regulation 10 of those Regulations.
6. Regulation 7(3) of the Road Transport (Pedestrian Zebra Crossings) Regulations read in conjunction with regulation 10 of those Regulations.
7. Regulation 75 of the Road Transport Regulations read in conjunction with regulation 80(d) of those Regulations.

*[Schedule inserted by section 2(b) of Act 8 of 1997 w.e.f. 18 August 1997]*