

Seychelles

Minor Offences (Fixed Penalties) Decree

Minor Offences (Fixed Penalties) Regulations Statutory Instrument 3 of 1980

Legislation as at 1 December 2014

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Minor Offences (Fixed Penalties) Regulations

Contents

1. Citation 1

2. Prescribed offences 1

3. Fixed penalty 1

4. Forms 1

5. Contents of hiring agreement 1

6. Additional places for payment 2

7. Withholding of certificate 2

First Schedule (Regulation 2) 2

Second Schedule (Regulation 4) 4

Seychelles

Minor Offences (Fixed Penalties) Decree

Minor Offences (Fixed Penalties) Regulations

Statutory Instrument 3 of 1980

Commenced on 1 March 1984

[This is the version of this document as it was at 1 December 2014 to 28 September 2017.]

[SI. 3 of 1980; SI. 43 of 1982; SI. 18 of 1984; SI. 48 of 1985; SI. 51 of 1986; SI. 27 of 1988; SI. 17 of 1989; SI. 11 of 1999; SI. 32 of 1999; SI. 38 of 2000]

1. Citation

These Regulations may be cited as the Minor Offences (Fixed Penalties) Regulations.

2. Prescribed offences

The offences specified in Part 1 and Part 2 of the First Schedule are prescribed offences for the purposes of the Decree

3. Fixed penalty

The fixed penalty shall be Rs200 for a prescribed offence under Part 1 of the First Schedule and Rs100 for a prescribed offence under Part 2 of the Schedule.

4. Forms

- (1) A fixed penalty notice under section 3 shall be in Form 1 set out in the Second Schedule.
- (2) A notice under section 4 shall be in Form 2 set out in the Second Schedule.
- (3) A statutory statement of ownership shall be in Form 3 set out in the Second Schedule.
- (4) A statutory statement of facts shall be in Form 4 set out in the Second Schedule.
- (5) A statutory furnished by a vehicle-hire firm under section 5(2) shall be in Form 5 set out in the Second Schedule.
- (6) A statutory statement of liability under section 5(2) shall be in Form 6 set out in the Second Schedule.

5. Contents of hiring agreement

For the purposes of section 5(5), a hiring agreement shall contain the following particulars—

- (a) the name and address of the vehicle-hire firm;
- (b) the name and address of the person hiring the vehicle;
- (c) the registration number of the vehicle hired; and
- (d) the period of the hire.

6. Additional places for payment

The Director General of Land Transport, the Sub-Accountant, Grand Anse, Praslin, and the Sub-Accountant, Anse Royale, are prescribed as persons to whom a fixed penalty may be paid.

7. Withholding of certificate

The Director General of Land Transport may withhold the issue of any certificate of roadworthiness of a vehicle to any person applying for such certificate who has been served with a fixed penalty notice within the twelve months preceding the date of such application until such person satisfies the Director General of Land Transport that he has paid such penalty or has otherwise complied with the provisions of the Decree in relation to such penalty.

First Schedule (Regulation 2)

Prescribed offences

Part 1

1. Parking a vehicle or causing or permitting a vehicle to be parked contrary to section 21 of the Road Transport Act.
2. Parking at night without lights contrary to regulations 28 and 31 in conjunction with regulation 80(d) of the Road Transport Regulations.
3. Stopping a vehicle within 9 metres of a corner contrary to regulation 75 read in conjunction with regulation 80(d) of the Road Transport Regulations.
4. Stopping a vehicle at a greater distance than 0.9 metre from the side of a road contrary to regulation 83 read in conjunction with regulation 80(d) of the Road Transport Regulations.
5. Using or permitting to be used a vehicle without an effective silencer contrary to regulation 8 read in conjunction with regulation 80(a) of the Road Transport Regulations.
6. Using or permitting to be used a vehicle without an efficient wind-screen wiper contrary to regulation 15 read in conjunction with regulation 80(a) of the Road Transport Regulations.
7. Driving or using or permitting to be used a motor vehicle without a mirror contrary to regulation 9 read in conjunction with regulation 80(a) of the Road Transport Regulations.
8. Using or permitting to be used a vehicle without an effective horn contrary to regulation 3 read in conjunction with regulation 80(a) of the Road Transport Regulations.
9. Driving a vehicle at night without the prescribed lights contrary to regulations 34 and 37 read in conjunction with regulation 80(a) of the Road Transport Regulations.
10. Driving a vehicle at night without an illuminated rear number plate contrary to regulations 34 and 37 read in conjunction with regulation 80(a) of the Road Transport Regulations.
11. Driving or causing or allowing to be driven a vehicle with a projecting load contrary to regulation 29 read in conjunction with regulation 80(a) of the Road Transport Regulations.
12. Using or causing or permitting a vehicle to be used without the licence being affixed to the near side of the windscreen contrary to regulation 50 read in conjunction with regulation 80(h) of the Road Transport Regulations.
13. Using or causing or permitting a motor vehicle or trailer to be used on a road with a pneumatic type not complying with regulation 12A read in conjunction with regulation 80(d) of the Road Transport Regulations.

14. Failing to design and maintain a motor vehicle so as to comply with regulation 6(1) read in conjunction with regulation 80(d) of the Road Transport Regulations.
15. Failing to comply with regulation 14 read in conjunction with regulation 80(d) of the Road Transport Regulations.
16. Failing to comply with regulation 38(1) (a), or regulation 38(1) (b), read in conjunction with regulation 80(d) of the Road Transport Regulations.
17. Failing to comply with regulation 59 read in conjunction with regulation 80(d) of the Road Transport Regulations.
18. Riding a bicycle or a motor cycle on a pavement or on a side walk of any road contrary to regulation 74(1) (c) read in Page 398 conjunction with regulation 80(d) of the Road Transport Regulations.
19. Failing to comply with regulation 84 of the Road Transport Regulations.
20. Failing to comply with regulation 85 of the Road Transport Regulations.
21. Failing to comply with regulation 4(1) of the Road Transport (Bus Stop) Regulations.
22. Exceeding speed limit contrary to regulation 76 read in conjunction with regulation 80(d) of the Road Transport Regulations.
23. Failing to comply with a provision of regulation 53(1) read in conjunction with regulation 80(d) of the Road Transport Regulations.
24. Failing to comply with regulation 53(2) read in conjunction with regulation 80(d) of the Road Transport Regulations.
25. Stopping a vehicle within the limits of a zebra crossing contrary to regulation 5 read in conjunction with regulation 10 of the Road Transport (Pedestrian Zebra Crossings) Regulations.
26. Stopping a vehicle or causing a vehicle to stop or park in a zebra controlled area contrary to regulation 7(2), or regulation 7(3), read in conjunction with regulation 10 of the Road Transport (Pedestrian Zebra Crossings) Regulations.
27. Entering, being in or crossing the road in a zebra controlled area contrary to regulation 8(1) read in conjunction with regulation 10 of the Road Transport (Pedestrian Zebra Crossings) Regulations.
28. Crossing a road within 15 metres of the limits of a zebra crossing (except within the limits of the crossing) contrary to regulation 8(1) read in conjunction with regulation 10 of the Road Transport (Pedestrian Zebra Crossings) Regulations.
29. Contravening regulation 3 or 4 read in conjunction with regulation 22 of the Road Transport (Taxi) Regulations.
30. Contravening regulation 23 of the Road Transport (Taxi) Regulations read with section 24(2) of the Road Transport Act.
31. Contravening regulation 5 read in conjunction with regulation 22 of the Road Transport (Taxi) Regulations.
32. Failing to keep daily record in accordance with regulation 22 read in conjunction with regulation 34 of the Road Transport (Taxi) Regulations.
33. Contravening regulation 11(3) read in conjunction with regulation 22 of the Road Transport (Taxi) Regulations.
34. Smoking tobacco or other substance when operating a taxi contrary to regulation 13(1) read in conjunction with regulation 22 of the Road Transport (Taxi) Regulations.
35. Failing to comply with regulation 14 read in conjunction with regulation 22 of the Road Transport (Taxi) Regulations.

36. Contravening section 11(4) of the Road Transport Act by—
- (a) using or causing or permitting to be used a vehicle exceeding three tons in weight laden contrary to regulation 3 of the Road Transport (One Way Street and Restricted Road Use) Order;
 - (b) using or causing or permitting to be used a vehicle contrary to regulation 4 of the Road Transport (One Way Streets and Restricted Road Use) Order.
37. *[repealed]*
38. *[repealed]*
39. *[repealed]*
40. Contravening regulation 74A(1) or (3) of the Road Transport Regulations read in conjunction with regulation 80(d) of those Regulations.
41. Contravening paragraph 2(1) or (2) of the Road Transport (Parking Fees) Order read with sections 21(5) and 24(2) of the Road Transport Act
42. Consuming any alcoholic liquor—
- (i) on any road, or in any public place; or
 - (ii) in any vehicle on a road contrary to section 173A of the Penal Code.

Part 2

1. Within a Government Airport—
- (a) driving or placing a vehicle carelessly or dangerously or without due consideration for persons using the airport contrary to regulation 4(k) of the Airports (Government) Regulations;
 - (b) failing to comply with traffic signs or notices erected by the Director of Civil Aviation or by the Commissioner of Police or failing to comply with any direction from regulation of traffic given by an authorised person contrary to regulation 4(k) of the Airports (Government) Regulations, or
 - (c) parking a vehicle elsewhere than in a place provided for that purpose contrary to regulation 4(m) of the Airports (Government) Regulations.
2. Contravening regulation 50(5) or regulation 50(6) of the Harbour Regulations.
3. Contravening regulation 10(2) read in conjunction with regulation 10(3) or regulation 11(1), or regulation 11(2), read in conjunction with regulation 11(3) of the Ports (Port Victoria) (Mahe Quay) Regulations.

Second Schedule (Regulation 4)

Forms

Form 1

Fixed penalty notice (No _____)

Minor offences (Fixed Penalties) Decree

Minor Offences (Fixed Penalties) Regulations

To _____/the owner of vehicle No _____

I have reason to believe that on _____ at _____ a.m./p.m. at _____ you committed the offence of—

You may discharge your liability to conviction for that offence by paying a fixed penalty of R.100/R200 to the Registrar of the Supreme Court, Victoria/Sub-Accountant, Grand Anse, Praslin, Sub-Accountant, Anse Royale within 3 days of the date of this notice.

(date) _____

Signature of policeman _____

*Note. Failing to pay within the time stipulated may result in your being prosecution before Court for the offence.***Form 2*****Minor offences (Fixed Penalties) Decree******Minor Offences (Fixed Penalties) Regulations*****Notice under Section 4**

To _____

A fixed penalty notice, was on _____, served on you/affixed to vehicle number _____ stating the offence of _____ was observed to have been committed, and offering the discharge of liability to conviction for that offence on payment of a fixed penalty of R100/R200 within 3 days of that date, such payment to be made to the Registrar, Supreme Court, Victoria/Sub-Accountant, Grand Anse, Praslin/Sub-Accountant, Anse Royale.

Unless the fixed penalty is paid within 3 days of this notice, you are required within the said period of 3 days, to furnish a statutory statement of ownership on Form 3 attached, and you are invited, within the same period to furnish a statutory statement of facts on Form 4 attached.

Payment of the fixed penalty should be made to the Registrar, Supreme Court, Victoria/Sub-Accountant, Grand Anse, Praslin/Sub-Accountant, Anse Royale.

(date) _____

for and on behalf of the Commissioner of Police

Form 3***Minor offences (Fixed Penalties) Decree******Minor Offences (Fixed Penalties) Regulations*****Statutory statement of ownership**

To the Commissioner of Police

With reference to your notice No _____ dated _____

1. was/was not the owner of Vehicle No _____ at the relevant time.

(If you were not the owner at the relevant time, then delete which-ever of paragraphs 2 or 3 that is not applicable and complete the other).

2. ceased to be the owner of the vehicle on _____ having disposed of the vehicle to _____ of _____

3. became the owner of the vehicle on _____ having acquired it from _____ of _____

(date) _____

Signature _____

Address _____

Form 4

Minor offences (Fixed Penalties) Decree

Minor Offences (Fixed Penalties) Regulations

Statutory statement of facts

To the Commissioner of Police

With reference to your notice No. _____ dated _____

1. was the driver of vehicle No. _____ at the relevant time.

2. was not the driver of vehicle No. _____ at the relevant time, but _____ of _____, was the driver at the relevant time and has signed this statement in confirmation thereof.

_____ Signed _____

(dated) _____

Signed _____

[Note. Delete whichever of paragraphs 1 or 2 is not applicable and complete the other.]

Form 5

Minor offences (Fixed Penalties) Decree

Minor Offences (Fixed Penalties) Regulations

Statement by vehicle-hire firm

To the Commissioner of Police

With reference to your notice No. _____ dated _____ at the time of the alleged offences, the vehicle concerned was under a hiring agreement. I enclose herewith

(a) copy of the hiring agreement; and

(b) copy of the statutory statement of liability signed by the hirer.

(dated) _____

Signature _____

Form 6***Minor offences (Fixed Penalties) Decree******Minor Offences (Fixed Penalties) Regulations*****Statutory statement of liability**

I, _____ of _____ the hirer of vehicle No. _____ hereby acknowledge that I will be liable in respect of any prescribed offence committed with respect to the vehicle during the currency of the hiring agreement, namely between _____ and _____

(dated) _____

Signature of hirer _____