

**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
BILL, 2021**

(Bill No. 46 of 2021)

OBJECTS AND REASONS

This Bill seeks to amend sections 2, 4 and 6 of the Minor Offences (Fixed Penalties) Decree (Cap. 132).

The purpose of the amendments, inter alia, are as follows —

- (a) to extend the appropriate period for the settlement of a fixed penalty in respect of a prescribed offence;
- (b) to extend the period within which a notice under section 4 has to be served on a person and to also increase the fine applicable under the same section;
- (c) to extend the period within which proceedings of a prescribed offence shall be instituted;
- (d) to introduce a provision for Offences and penalties.

Dated this 30th day of September, 2021.

**FRANK D.R. ALLY
ATTORNEY-GENERAL**

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ARRANGEMENT OF SECTIONS

Sections

1. Short title and amendment of Cap. 132
2. Amendment of section 2
3. Amendment of section 4
4. Amendment of section 6
5. Insertion of a new section 8

**MINOR OFFENCES (FIXED PENALTIES) (AMENDMENT)
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(Bill No. 46 of 2021)



**A BILL
FOR**

AN ACT to amend the Minor Offences (Fixed Penalties) Decree (Cap. 132).

ENACTED by the President and the National Assembly.

Short title and amendment of Cap. 132

1. This Act may be cited as the Minor Offences (Fixed Penalties) (Amendment) Act, 2021, and shall be read and construed as one with the Minor Offences (Fixed Penalties) Decree, Cap.132, which is hereinafter referred to as the “principal Act”.

Amendment of section 2

2. Section 2 of the principal Act is amended as follows —

(a) in subsection (1) —

(i) in the definition of “commissioner”, by inserting after the words “Commissioner of Police” the words “ or the Director General of Land Transport, as the case may be”;

(ii) in the definition of “appropriate period”, by repealing the words “3 days” and substituting therefor the words “ 14 days”;

(iii) by inserting in the alphabetical order the following definitions —

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

“police officer” includes a traffic warden appointed under 24A (2) of the Road Transport Act (Cap. 206);

“Registrar of the Supreme Court” includes a Deputy Registrar, Assistant Registrar or any other officer of the Registry of the Supreme Court or Magistrate Court.”

(b) by repealing subsection (5) and substituting therefor the following —

“(5) A notice may be served on a person —

(a) by delivering or tendering it to the person;

(b) by delivering or tendering it at the person's residence, workplace or any other proper address of the person to a person who is more

than 16 years old and who is a member of the person's household or employee, agent or manager of the person, as the case may be;

- (c) by delivering or tendering it to the driver of the vehicle or the person in charge or in control of the vehicle that the person is in;
- (d) by affixing it to a vehicle in which the person is occupying or is in his possession;
- (e) by affixing it in a conspicuous place at the residence or workplace of the person or at the premises of the proper address of the person.”

- (c) by repealing subsection (6) and substituting therefor the following —

“(6) For the purpose of subsection (5), the proper address of a person on whom a fixed penalty notice is to be served shall, in the case of a body corporate, be the registered or principal office or principal place of business of that body, and, in any other case, shall be the last known address of the person to be served therewith.”

- (d) by inserting after subsection (6) the following subsection —

“(7) The delivery, tendering or affixing of the notice under subsection (5) shall be sufficient service on the person liable for the offence.”

Amendment of section 4

- 3.** Section 4 of the principal Act is amended as follows —

- (a) in subsection (3) —

- (i) by repealing the words “14 days” and substituting therefor the words “30 days”;

- (ii) by inserting after the words “Commissioner of Police” the words “or the Director General of Land Transport, as the case may be”;
- (b) in subsection (7), in the longline, by repealing the words “R.1000” and substituting therefor the words “SCR2000”.

Amendment of section 6

4. Section 6 of the principal Act is amended in subsection (2), by repealing the words “3 months” and substituting therefor the words “6 months”.

Insertion of a new section 8

5. The principal Act is amended by inserting immediately after section 7 the following as section 8 —

“Offences and penalties

8.(1) A person commits an offence if, at the time of issuance or service of a fixed penalty notice or on delivery, tendering or affixing of a notice, as the case may be, that person —

- (a) refuses to receive the notice from the officer;
- (b) refuses to give his or her name or address to the officer issuing, tendering or serving the notice;
- (c) gives a false name or address to the officer issuing, tendering or serving the notice; or
- (d) removes or interferes with a notice affixed to a vehicle or premises on which a notice has been affixed.

(2) A person who commits an offence under this Act is liable on conviction to a fine of SCR20,000 or imprisonment for 3 months or to both.”