

S.I. 133 of 2022

ROAD TRANSPORT ACT

(Cap 206)

Road Transport (Restriction on Use of Tint Material) Regulations, 2022

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S.I. 133 of 2022

ROAD TRANSPORT ACT

*(Cap 206)***Road Transport (Restriction on Use of Tint Material) Regulations, 2022**

In exercise of the powers conferred by section 28 of the Road Transport Act, the Minister responsible for transport makes the following regulations —

Citation and commencement

1. These Regulations may be cited as the Road Transport **(Restriction on Use of Tint Material)** Regulations, 2022 and shall come into operation on the 9th of January 2023.

Interpretation

2. In these Regulations —

“Act” means the Road Transport Act *(Cap 206)*;

“anti-glare band overlay” means a tinted overlay that is transparent from the interior of a vehicle and that is applied along the top edge of the windscreen for the purpose of reducing glare from the sun;

“exemption certificate” means a certificate issued under these Regulations and includes an approval;

“front windows” means the windows on the driver's and front passenger door of the vehicle;

“police officer” includes a traffic warden;

“tint” means the use of tint material on the windscreen or front windows of a vehicle;

“tint material” means any overlay, film, coating, spray, sticker, cloth or other adhesive product, vinyl or paint applied, affixed or fitted to the safety glass on the windscreen or the front windows of a vehicle;

“sticker” means a self-adhesive or clinging film, with or without print on it, that is applied for

- (a) the purposes of —
 - (i) advertising;
 - (ii) identification;
 - (iii) information;
 - (iv) aesthetics; or
 - (v) compliance with any written law; or
- (b) any other purpose;

“window” in relation to a vehicle means —

- (a) a front window;
- (b) a rear window; or
- (c) any other window that enables a person in the vehicle to view outside the vehicle, but does not include a windscreen;

“windscreen” in relation to a vehicle, means the front windshield which extends across the front of the vehicle.

Prohibition on use of tint material on windscreen and windows

3.(1) No person shall use a vehicle or cause or permit a vehicle to be

used or driven or have charge of a vehicle, on a public road when the windscreen or front windows of the vehicle is tinted.

(2) Subregulation (1) shall not apply to vehicles already imported into Seychelles whose windscreen or front windows were installed with tint material by its manufacturer and it would require its windscreen or front window to be removed and replaced for compliance with these Regulations.

(3) Subregulation (1) shall not apply to a vehicle that a permit under the Custom Management Act had already been granted and which upon the coming into force of these Regulations had been released by its manufacturer for exportation to Seychelles.

(4) Notwithstanding subregulation (1), a vehicle may be installed with an anti-glare overlay which —

- (a) measures in width from the top of the windscreen, no more than fifteen centimetres or six inches; or
- (b) in the case of a vehicle of Class 7 covers an area above the highest point of the windscreen that is swept by a windscreen wiper.

Prohibition on use of other devices on front windscreen and front windows

4.(1) An owner, driver or operator of a vehicle shall not install, affix, apply or cause to be installed any curtain, screen or other device on or along the length of the windscreen or front window of a vehicle that —

- (a) impairs the view of the driver of a vehicle; or
- (b) prevents a person outside the vehicle from identifying the driver of a vehicle;

unless the curtain, screen or device was installed by the manufacturer of the vehicle and has received prior approval before importation by the Commissioner of Police in consultation with the Road Transport Commissioner.

(2) A person shall not drive, or have charge of a vehicle on any road if a curtain, screen or other device on or along the length of the windscreen or front window that —

- (a) impair the view of the driver of a vehicle; or
- (b) prevent a person outside the vehicle from identifying the driver of a vehicle;

unless the device is installed by the manufacturer of the vehicle and has received prior approval before importation by the Commissioner of Police in consultation with the Road Transport Commissioner.

Offences

5.(1) A person who drives a vehicle in contravention of regulation 3 or 4 commits an offence.

(2) A person guilty of an offence under regulation 3 or 4 shall be liable —

- (a) in case of a first conviction, imprisonment for a period not exceeding 1 year or to a fine not exceeding SCR2,000/- or to both such imprisonment and fine;
- (b) in case of a second or subsequent conviction for 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, for a period not exceeding 2 years or to a fine not exceeding SCR10,000/- or to both such imprisonment and fine.

(3) A person who drives a vehicle without an authorization from a police officer under 6(2)(a) commits an offence and shall be liable imprisonment for a period not exceeding 1 year or to a fine not exceeding SCR 10,000/- or to both such imprisonment and fine.

(4) A person who removes, deface or otherwise tamper with notice affixed under regulation 6(2)(b) commits an offence and shall be liable

imprisonment for a period not exceeding 1 year or to a fine not exceeding SCR 10,000/- or to both such imprisonment and fine.

(5) A person who contravenes regulation 11(2) commits an offence and is liable upon conviction to a fine of SCR 10,000.

Detention, seizure and fixation of prohibition notice of vehicle in contravention of these Regulations

6.(1) Where a police officer has reason to believe there is an offence being committed, or an offence has been committed under regulations 3 or 4, the police officer may issue to the owner, driver or person in charge of the vehicle a notice of the offence and affix on a conspicuous place on the vehicle a notice prohibiting the use of the vehicle on the road until the tint material has been removed and the notice has been withdrawn and removed from the vehicle pursuant to subregulation 2.

(2) Where a notice under sub-regulation (1) or subregulation (4) has been issued in respect of and affixed to a vehicle —

- (a) a person shall not use or drive the vehicle, except with the authorisation of the police officer until the police officer has withdrawn the notice and authorised its removal from the vehicle;
- (b) a person shall not remove, deface or otherwise tamper with the notice affixed on the vehicle until the defect specified in the notice has been remedied and a police officer has withdrawn the notice and authorised its removal from the vehicle.

(3) Where circumstances during the inspection of a vehicle, warrant, for —

- (a) further inspection of the vehicle or further investigation of the offence; or
- (b) if the police officer cannot ascertain who the owner of the

vehicle is, or where the owner or driver is identified but is not cooperating with a lawful order of the police officer,

a police officer may seize the vehicle and detain it for a period not exceeding 3 working days at the designated premises of the police force.

(4) At the end of the 3 working days referred to in sub regulation (3), the police officer may affix a notice on the vehicle prohibiting the use of such vehicle until the owner complies with regulation 3 or 4 within a specified period and release such vehicle to the owner.

(5) In seizing a vehicle a police officer may order or direct the driver of a vehicle, to proceed to any designated place or the nearest Police Station for further inspection of the vehicle or investigation or for the detention of the vehicle.

(6) Where the driver of a vehicle refuses to comply with an order or direction under sub-regulation (5), a police officer or such other person authorized by a police officer may drive the vehicle to the said station or to a place for safe keeping.

(7) Any detention of a vehicle under these Regulations shall be at the expense and risk of the owner of the vehicle.

(8) For the purposes of subregulation (7), the fees for the period of detention of the vehicle shall be as specified under Schedule 1.

Exemption generally

7. Subject to regulation 8, Commissioner of Police may exempt a vehicle from the application of these Regulations where —

- (a) the use of the vehicle or the safety of its occupants with a tint material or device is required; or
- (b) a person is issued an exemption certificate on medical grounds under regulation 9.

Application for exemption certificate

8.(1) Any person who wishes to apply for an exemption certificate may do so in the approved form and manner as the Commissioner of Police may approve in consultation with the Road Transport Commissioner.

(2) Upon receiving an application referred to in subregulation (1) the Commissioner of Police may grant wholly or giving conditions or reject such application giving reasons.

(3) A grant of exemption may be subject to equipping or fitting the vehicle with dual external rear vision side mirrors on each side and such conditions that the Commissioner shall determine.

(4) The application for exemption under subregulation (1) shall contain the full name, national identification number, address and contact details of the applicant.

(5) An exemption certificate issued by the Commissioner of Police under subregulation (2) —

- (a) shall, in the case of a person, be valid for a period of three years from the date of issue or renewal; or
- (b) may, in the case of a public entity, be valid for such period as the Commissioner of Police may determine, and

shall state whether the vehicle is to be equipped or fitted with dual external rear vision side mirrors on each side of the vehicle.

(6) An exemption certificate issued by the Commissioner of Police under subregulation (2) shall be in such form as the Commissioner of Police may approve in consultation with the Minister and shall remain the property of the Republic.

Exemption on medical grounds

9. An application for exemption on medical grounds shall —

- (a) contain a certificate issued by a medical practitioner in employment of Government certifying that the applicant or any other person is suffering from a medical condition listed under Schedule 2 which renders the person susceptible to harm or injury from exposure to sunlight; and
- (b) contain a declaration by the applicant or the person suffering from the medical condition listed in the Schedule that the vehicle will be regularly used by, or for the purposes of transporting the applicant, or other person referred to in paragraph (a).

Void exemption certificate

10.(1) An exemption certificate issued by the Commissioner of Police under these Regulations shall become void after 48 hours of service of the notice issued at the time of stamping under regulation (3) where —

- (a) the Commissioner of Police reasonably believes that any information or statement contained in the application is false or misleading;
- (b) the court has so ordered or has made an order preventing the applicant in receipt of an exemption certificate from leaving Seychelles;
- (c) there is a breach of the conditions of the exemption certificate;
- (d) the vehicle was used in any illegal activity;
- (e) the applicant has been convicted of a criminal offence and the sentence of the court has not been satisfied or set aside;
- (f) the title to or possession of the vehicle is transferred or given to another person;
- (g) the vehicle is destroyed or is not roadworthy; or
- (h) the person specified in the exemption certificate is dead.

(2) Where the Commissioner of Police intends to revoke an exemption certificate, the Commissioner of Police shall serve a notice of revocation to the certificate holder giving reasons of the revocation.

(3) The notice under subregulation (2) shall be served at the given address provided under regulation 8(4) of the applicant and the exemption certificate shall be deemed void after 48 hours upon service of the notice.

(4) Where an exemption certificate has become void under subregulation (3), the Commissioner of Police shall demand the return of the exemption certificate from the person in question and shall stamp the exemption

certificate as VOID or REVOKED and an entry to that effect shall be made in the register.

Requirement to have exemption certificate in vehicle at all times

11. A holder of an exemption certificate shall —

- (a) have the exemption certificate or certificate of approval in the vehicle at all times; and
- (b) upon request by a police officer in uniform, produce the certificate for inspection.

Register of exemption certificates

12.(1) The Commissioner of Police shall establish and maintain a register of all exemption certificates and certificate of approval granted under these Regulations.

(2) The register under subregulation (1) shall contain the following information —

- (a) the name and address of the person specified in the exemption certificate or certificate of approval;
- (b) the serial number of the exemption certificate;

- (c) the registration particulars and identification mark of the vehicle specified in the exemption certificate or certificate of approval;
- (d) the date of issue and where applicable, the date of expiration of the exemption certificate;
- (e) the conditions upon which the exemption certificate or certificate of approval was issued; and
- (f) such other information as the Commissioner of Police may determine.

Certificate from Commissioner shall be *prima facie* proof

13. In any proceedings for an offence under these Regulations a certificate, signed by or on behalf of the Commissioner and stating that, on any date, a person was or was not exempted under these Regulations or a certificate of approval shall be *prima facie* evidence of the facts stated; and such a certificate purporting to be signed by or on behalf of the Commissioner shall be deemed to be so signed unless the contrary is proved.

Transitional

14. Every certificate of exemptions or certificate of approval issued by the Commissioner under regulation 14 of the Road Transport Regulations shall become void upon the expiration of a period of 14 working days of the coming into operation of these Regulations.

Repeal of regulation 14 of G.G. 23/1/1950

15. Regulation 14 of the Road Transport Regulations, 1950 is hereby repealed.

SCHEDULE 1*[Regulation 6(8)]***FEEES FOR DETENTION OF VEHICLE**

DAYS	FEEES (SCR Per Days)
First three days of detention	Free
Next 3 days	SCR200
Next days thereafter	SCR300

SCHEDULE 2*[Regulation 9(a)]***MEDICAL CONDITIONS**

For the purposes of regulation 9, medical condition includes —

- (a) albinism;
- (b) chronic actinic dermatitis/actinic reticuloid;
- (c) dermatomyositis;
- (d) lupus erythematosus;
- (e) porphyria;
- (f) xeroderma (pigmentosa) pigmentosum;
- (g) severe drug photosensitivity, provided that the course of treatment causing the photosensitivity is expected to be of prolonged duration;
- (h) photophobia associated with an ophthalmic or neurological disorder; or
- (i) any other condition or disorder causing severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun.

[29th December 2022]

Road Transport Act

1996

REPUBLIC OF SEYCHELLES

SUPPLEMENT TO OFFICIAL GAZETTE

SI

MADE this 29th day of December, 2022.

**ANTONY DERJAQUES
MINISTER OF TRANSPORT**
