

**CONSOLIDATED TO 30 JUNE 2012**

**LAWS OF SEYCHELLES**

**CHAPTER 206**

**ROAD TRANSPORT ACT**

*[1st January, 1936]*

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1. This Act may be cited as the Road Transport Act.

2. 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;

"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 8 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;

"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** (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.** 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 licensed as hereinafter provided.

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

**\*5** (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 (Cap 113) 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 licensed.

(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.

**6** (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 licensed 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** (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 2 years or to both such fine and imprisonment.

**8** (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.

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\* Bullock-carts do not require a licence Sch.2 Licences Act (Cap. 113).

(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 6 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** (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.** 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** (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** (1) Save as provided in this Act, no person shall drive any motor vehicle on a road unless he is licensed for the purpose under the Licences Act and no person shall employ a person as a driver of such vehicle who is not licensed 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** 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 licensed to drive any motor vehicle of any category or a vehicle was or was not licensed 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** (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.** 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.** The Transport Commissioner may by regulations prescribe and regulate parking places for public vehicles.

**17** (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** (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.** (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.** 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** (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** (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** (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** (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 2 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. (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.

(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 the purpose a reference in the Decree to police officer includes a reference to traffic warden.

- (4) The Minister may, by regulations amend the Schedule.

**24B.** (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.

**25.** 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 5 years.

**26.** 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.** (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 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 6 years but not less than 2 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 3 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.

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\*See section 6(3)(b) of the Licences Act (Cap 113).

28. (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 licensed 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 foot-passengers 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.** 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.** (1) In any proceedings for an offence relating to the use of motor vehicles on roads 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.

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.

**LAWS OF SEYCHELLES**

S.I. 45 of 1967  
S.I. 95 of 1975  
S.I. 72 of 1976.

**CHAPTER 206**

**ROAD TRANSPORT ACT**

**SUBSIDIARY LEGISLATION**

**SECTIONS 9(3), 15(d) AND 28**

**THE ROAD TRANSPORT (EXEMPTION FROM REGISTRATION AND LICENCE  
FEES) REGULATIONS**

*[10th July, 1967]*

1. These regulations may be cited as the Road Transport (Exemption from Registration and Licence Fees) Regulations.

2. In these regulations-

"the Agreement" means the Exchange of Notes of 30th December, 1966, constituting an Agreement between the Government of the United Kingdom and the United States concerning the United States Tracking and Telemetry Facilities in the island of Mahe in Seychelles.

"United States authorities" means the authority or authorities from time to time designated as such by the United States Government for the purposes of these regulations;

"United States contractor" means any person, body or corporation ordinarily resident in the United States of America, that, by virtue of a contract with the United States Government, is in Seychelles for the purposes of the Agreement, and includes any subcontractor whose operations in Seychelles are confined solely to performing work for the purposes of the Agreement and who is, for the purposes of these regulations, designated as such by the United States authorities after consultation with the Minister.

3. No fee shall be payable in respect of registration or licensing for use in Seychelles of motor vehicles belonging to the United States Government or United States contractors and

licence fees. is to be used for purposes connected directly with the establishment, maintenance or operation of the facilities with which the Agreement is concerned.

4. A duly authenticated certificate from the United States authorities stating that a motor vehicle belongs to the United States Government or United States contractors and is to be used for purposes connected directly with the establishment, maintenance or operation of the facilities with which the Agreement is concerned shall be sufficient proof of the facts stated therein.

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SECTIONS 17 AND 19

**THE ROAD TRANSPORT (CLOSING OF BENEZET STREET TO VEHICULAR TRAFFIC) ORDER**

S.I. 2 of 1964

*[13th January, 1964]*

1. This Order may be cited as the Road Transport (Closing of Benezet Street to Vehicular Traffic) Order.
2. No vehicle shall be used on the following road-Benezet Street, Victoria, southwards from the Market to its junction with Royal Street.
3. The extract points within which the use of the road is prohibited by virtue of this Order shall be indicated by signs erected under the authority of subsection (1) of section 19 of the Road Transport Act.

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**ROAD TRANSPORT (ONE-WAY STREETS) ORDER**

*[6th May, 1979]*

S.I. 40 of 1979

1. Citation.
2. Prohibition on use of streets.

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1. This Order may be cited as the Road Transport (One way Streets) Order, 1979.
  2. The driving of vehicles on -
    - (a) the street between the Place de la Republique and Independence Avenue, alongside the Pirates Arms; and
    - (b) the street between the Place de la Republique Independence Avenue by way of the Supreme Court,

is prohibited except from when driving Independence Avenue to the Place de la Republique.

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**ROAD TRANSPORT (CLOSING OF LA POU德里ERE ROAD (WEST) TO VEHICULAR TRAFFIC) ORDER.**

S.I. 26 of 1981

*[27th April, 1981].*

1. This Order may be cited as the Road Transport (Closing of La Poudriere Road (West) to Vehicular Traffic) Order.

2. (1) Except for access to or exit from State House, no vehicle shall be used on La Poudriere Road between the entrance to State House and Bel Air Road.

(2) The exact points within which the use of the road is prohibited by this Order shall be indicated by signs erected under section 19(1) of the Act.

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**ROAD TRANSPORT (ONE-WAY STREETS AND RESTRICTED ROAD USE) ORDER**

S.I. 58 of 1984  
S.I. 38 of 1991  
S.I. 27 of 1995

*[15th December, 1984]*

1. This Order may be cited as the Road Transport (One-Way Streets and Restricted Road Use) Order.

2. The driving of vehicles on the streets set out in column 1 of the Schedule is prohibited except when driven in the direction specified in the corresponding entry in column 2 of the Schedule.

3. Use of the roads set out in column 1 of the Schedule is prohibited for the driving of vehicles exceeding three tons in weight laden.

4. (1) Subject to paragraph (2), driving of vehicles on Market Street is restricted to-

(a) commercial vehicles; and

(b) with the permissions of the Road Transport Commissioner, vehicles of residents of premises on or accessed via Market Street.

5. The exact points within which the use of the road is prohibited or restricted by this order shall be indicated by signs or road markings erected or placed under section 19(1) of the Act.

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**SCHEDULE**

Paragraphs 2 and 3

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ROAD	DIRECTION
Labourdonnais Street	from Revolution Avenue towards Hangard Street.
Rue des Freres Marites	from Revolution Avenue towards Lodge Street.
Philomel Street	from Hangard Street towards Lodge Street.

Malakoff Street	from Lodge Street towards Revolution Avenue.
Harrison Street	from Revolution Avenue towards Lodge Street
Lodge Street	(i) from Quincy Street and Harrison Street up to the junction with Malakoff Street; and  (ii) from Philomel Street and Rue des Freres Maristes up to the junction with Malakoff Street.
Castor Road	from Union Vale towards the centre of Victoria.
Huteau Lane	From Albert Street up to junction with Manglier Street.
Waterloo Road	from its junction with Curio Road up to its junction with St. Louis Road.

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SECTION 19(4)

**THE TRAFFIC SIGNS REGULATIONS**

*[14th September, 1961]*

ARRANGEMENT OF REGULATIONS

1. Citation

PART I

2. Signs to be as indicated in the Schedule.
3. Permitted variants.
4. Diagrams Nos. 6 and 7.
5. Diagrams Nos. 11 to 14.
6. Give way road-markings

S.I. 58 of 1984  
S.I. 50 of 1964  
S.I. 32 of 1967  
S.I. 66 of 1967  
S.I. 24 of 1974  
S.I. 95 of 1975  
S.I. 104 of 1975.  
S.I. 25 of 1981.  
S.I. 9 of 1984  
S.I. of 67 of 1984  
S.I. 28 of 1995  
S.I. 44 of 1997.

## PART II

7. Interpretation.
8. Signs to be of the sizes, colours and types shown in diagrams.
9. Significance of signs of "stop" and "give way".
10. Permitted Variants.
11. Dimensions.
12. Proportions and form of letters, numerals, characters and arrows.
13. Traffic signs prescribed in Part I not superseded.
- 13A. Box junction.

## PART III

14. Diagrams Nos 15, 16 and 17.
15. Diagram Nos 18, 19 and 20.
16. Diagrams Nos 22, 24 and 26
17. Diagram Nos 23 and 23
18. Diagram 21.
19. Clearways Diagrams Nos 27 to 30.
20. Parking Fee traffic sign.
21. Loading bay

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## PART I

1. These regulations may be cited as the Traffic Signs Regulations.
2. Subject to the provisions of these Regulations, every traffic sign for conveying to vehicular traffic a requirement, prohibition or restriction specified in a diagram set out in the schedule shall be of the size, colour and type shown in the diagram relating to that requirement, prohibition or restriction
3. Where the circumstances so require-
  - (a) the numerals in diagrams Nos. 6, 8, 24, 25, 26 and 28 shall be varied to accord with the circumstances; and
  - (b) in diagram No. 10 the words "KEEP RIGHT" shall be substituted for the words "KEEP LEFT" to accord with the circumstances; and

- (c) if parking is prohibited only on certain days or at certain hours, the days and times on which parking is prohibited may be specified on the traffic sign and diagram No. 1 shall be varied to accord with circumstances; and
  - (d) if parking is limited to a certain time at all or at certain hours on all or on certain days, such time, hours or days may be specified on the traffic sign and diagram No. 1, from which the word "NO" shall be excluded, shall be varied to accord with circumstances so as to convey when and to what extent parking is limited; and
  - (e) if parking is limited to a certain type or description of vehicle such type or description of vehicle may be specified on the traffic sign and diagram No. 1 from which the word "NO" shall be excluded, shall be varied to accord with circumstances so as to convey to what vehicle parking is limited.
4. (1) Where a speed limit has been imposed on a road by the Road Transport Commissioner by virtue of his powers under section 22 of the Act.
- (a) the traffic sign set out in diagram No. 6 shall be used to indicate where the speed limit begins; and
  - (b) the traffic sign set out in diagram No. 7 shall be used to indicate where the speed limit ends.
- (2) The traffic sign set out in diagram No. 7 may form the reverse side of the traffic sign set out in diagram No. 6.
5. (1) For the purposes of this Regulation-
- "minor road" means a road at a road junction on which road is placed the sign shown in diagram 11 or 13; and
- "major road " means the road at a road junction into which road there emerges vehicular traffic from a minor road.
- (2) The requirements conveyed by the sign shown in diagram 11 are that-
- (a) every vehicle shall, before entering the major road, stop at the transverse line shown in diagram 13 or, if the line is not for the time being visible, at the major road; and
  - (b) no vehicle shall proceed past the transverse line into that road, or if the line is not for the time being visible shall enter into the major road, in such a manner or at such time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid a collision with the first mentioned vehicle.
- (3) The requirement conveyed by the sign shown in diagram 12 is that no vehicle shall proceed past the transverse line shown in diagram 14 onto the major road, or if the line is not for the time being visible shall enter into the major road, in such manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate

the driver of any such other vehicle to change its speed or course in order to avoid a collision with the first-mentioned vehicle.

(4) The sign shown in diagram 11 may be used only in conjunctions with the transverse line shown in diagram 13, and the sign shown in diagram 12 may be used only in conjunction with the transverse line shown in diagram 14.

**6.** (1) For the purposes of this Regulation-

"minor road" means a road at a road junction on which road there is the transverse line shown in diagram 14; and

"major road" means the road at a road junction into which road emerges vehicular traffic from a minor road.

(2) The requirement conveyed by the transverse line shown in diagram 14, whether or not it is used in conjunction with the sign shown in diagram 12, is that no vehicle shall proceed past the line into the major road in such a manner or such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid a collision with the first mentioned vehicle.

## PART II

**7.** In this part any reference to-

(a) "Schedule 1" or "Schedule 5" shall be construed as a reference to Schedule 1 and Schedule 5 respectively of the Traffic Signs Regulations 1964 applicable to Great Britain, made on the 20th November 1964 and published as Statutory Instrument 1964 No. 1857;

(b) a diagram by a number shall be construed as a reference to a diagram of that number in Part II of Schedule 1 of the said Regulations.

**8.** Subject to the provisions of this part, traffic signs for conveying to vehicular traffic on roads a requirement, and prohibition or restriction specified in or under a diagram in shown Part II of Schedule 1 (Other than a requirement shown in diagrams 601 or 602) shall be of the size, colour and type shown in the diagram relating to that requirement, prohibition or restrictions.

**9.** (1) For the purposes of this regulation-

"minor road" means a road at a road junction on or near which road is placed the sign shown in diagram 601 or 602;

"major road" means a road at a road junction into which road emerges vehicular traffic from a minor road.

(2) The requirements conveyed by a sign shown in diagram 601 shall be that-

(a) every vehicle shall before entering the major road stop at the major road; and

(b) no vehicle shall enter into a major road in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the

major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

(3) The requirements conveyed by the sign shown in diagram 602 shall be that no vehicle shall enter into the major road in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

(4) A traffic sign for conveying to vehicular traffic on roads the requirements specified in subregulation (2) shall be of the size, colour and type shown in diagram 601 and a traffic sign for conveying to such vehicular traffic the requirement specified in subregulation (3) shall be of the size, colour and type shown in diagram 602.

**10.** Where the circumstances so require-

- (i) in diagram 609 the direction of the arrow may be reversed to indicate turn right ahead; and
- (ii) in diagram 610 the arrow may be pointed downwards to the right to indicate keep right.

**11.** Where as respects any diagram in Part II of Schedule 1 a dimension for the sign shown in the diagram is indicated in one or more sets of brackets against a dimension not indicated in brackets, any dimension indicated in a set of brackets may be treated as an alternative to the dimension not so indicated.

**12.** (1) Subject to the provisions of subregulation (2) -

- (a) all letters incorporated in the signs shown in the diagrams in Part II of Schedule I shall have the proportions and form shown in either Part I, Part II, Part V or Part IV of Schedule 5;
- (b) all numerals incorporated in the signs shown in the diagrams in Part II of Schedule 1 shall have the proportions and form shown in Part III or Part VII of Schedule 5; and
- (c) all other characters incorporated in the signs shown in the diagrams in Part II of Schedule I shall have the proportions and forms in Part IV or Part VIII of Schedule 5.

(2) Any arrow to be used in a sign shown in a diagram in Part II of Schedule 1 shall have the proportion and form of the arrow secondly shown in Part IV or Part VIII of Schedule 5.

**13.** A traffic sign shown in any of the diagrams in the schedule to these Regulations shall not be deemed to have been superseded by any traffic sign prescribed by this part and may not continue to be used if it complies with the provisions relating thereto virtue of by Part I.

**13A.** A road marking shown in diagram No. 31 or diagram No. 32 may be placed on a road at a junction, other than a roundabout, to indicate that a vehicle shall not enter the area covered by the marking in a manner which causes the vehicle or any part thereof to remain stationary in that area due to the presence of vehicles therein except that a vehicle that had entered that area in a manner

so as not to contravene the above restriction and waiting to complete a right turn may remain stationary therein for so long as is prevented from completing that turn by reason of either oncoming vehicles or of the presence of other stationary vehicles waiting in or near that area to complete a right turn.

### PART III

#### **TRAFFIC SIGNS AND ROAD MARKINGS INDICATING PARKING RESTRICTIONS**

**14.** (1) The road marking shown in diagram 16 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies on that side for at least eight hours during the period from 7 a.m. to 6 p.m. on at least four days other than a Sunday in any week.

(2) The road marking shown in diagram 17 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies on that side for at least eight hours during the period from 7 a.m. to 6 p.m. on at least four days other than a Sunday in any week and at some times other than those during the period from 7 a.m. to 6 p.m.

(3) The road markings shown in diagram 15 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies otherwise than is specified in subregulations (1) and (2).

(4) A road marking shown in diagram 15 or 16 shall be used only in conjunction with at least one sign of the type shown in diagrams 22, 24 and 26, which sign shall be placed on the same side of the road as that on which the marking is placed.

**15.** (1) The road marking shown in diagram 19 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies on that side for at least eight hours during the period from 7 a.m. to 6 p.m. on at least four days other than a Sunday in any week.

(2) The road marking shown in diagram 20 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies on that side for at least eight hours during the period from 7 a.m. to 6 p.m. on at least four days other than a Sunday in any week and at some times other than those during the period 7 a.m. to 6 p.m.

(3) The road marking shown in diagram 18 may be placed on a side of a road only for the purpose of indicating a prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies otherwise than is specified in subregulations (1) and (2).

(4) A road marking shown in diagram 18, 19 and 20 shall be used only on conjunction with at least one sign of the type shown in diagram 23 or 25 which sign shall be placed on the same side of the road as that on which the marking is placed, and the marking shall be placed on the footway as near as practicable to edge of the carriage-way or, if there is no footway, on the carriage-way as near as practicable to its edge.

**16.** A sign of the type shown in diagrams 22, 24 and 26 may be placed on or near the side of a road only if there in conjunction with that sign and on the same side of the road a road marking shown in diagram 15 or 16 except that this regulations shall not apply where any such sign is so placed for the purposes of a temporary statutory provision.

**17.** A sign of the type shown in diagrams 23 or 25 may be placed on or near the side of the road only if there is placed in conjunction with that sign and on the same side of the road a road marking shown in diagram 18, 19 or 20 except that this regulation shall not apply where any such sign is so placed for the purposes of a temporary statutory provision.

**18.** (1) The requirement conveyed by the sign shown in diagram 21 is that, where the sign is erected on both sides of a road to face traffic entering an area in respect of which there are parking restrictions in force, no vehicle shall be parked on a road in that area other than in accordance with any requirement or restriction conveyed by the road markings shown in diagrams 17, 22, 24 and 26.

(2) For the purposes of this regulation a vehicle is parked-

(a) When it is stationery for any reason other than to avoid interference with another road user or collision with an obstruction or to comply with traffic regulations; and

(b) subject to subregulation (3), if the period during which the vehicle is stationery is not limited to the time needed to pick up or set down persons or goods, and exceeds 2 minutes.

(3) Paragraph (b) of subregulation (2) shall not apply during the following periods-

(a) 7 a.m. to 8.30 a.m.;

(b) 11.45 a.m. to 1.15 p.m.; and

(c) 3.45 p.m. to 4.45 p.m.;

on any day other than a Saturday or Sunday.

**19.** (1) The requirement conveyed by the sign shown in diagram 27 is that, where the sign is erected on both sides of a road to face traffic entering the road or stretch of road, no vehicle shall stop on the or stretch of road unless in an emergency or to comply with traffic regulations or the directions of a police officer in uniform.

(2) This regulation does not apply to a public omnibus stopped at a bus stop for the purpose of picking up or setting down passengers.

(3) Where the requirement referred to in subregulation (1) applies to a road or stretch of road exceeding 1 kilometer in distance, there shall be erected on the road in the same manner as described in subregulation (I) at intervals of not less than 1 kilometer the sign shown in diagram 29.

(4) The sign shown in diagram 28 may be used in conjunction with the sign shown in diagram 27 to indicate the distance over which the requirement applies.

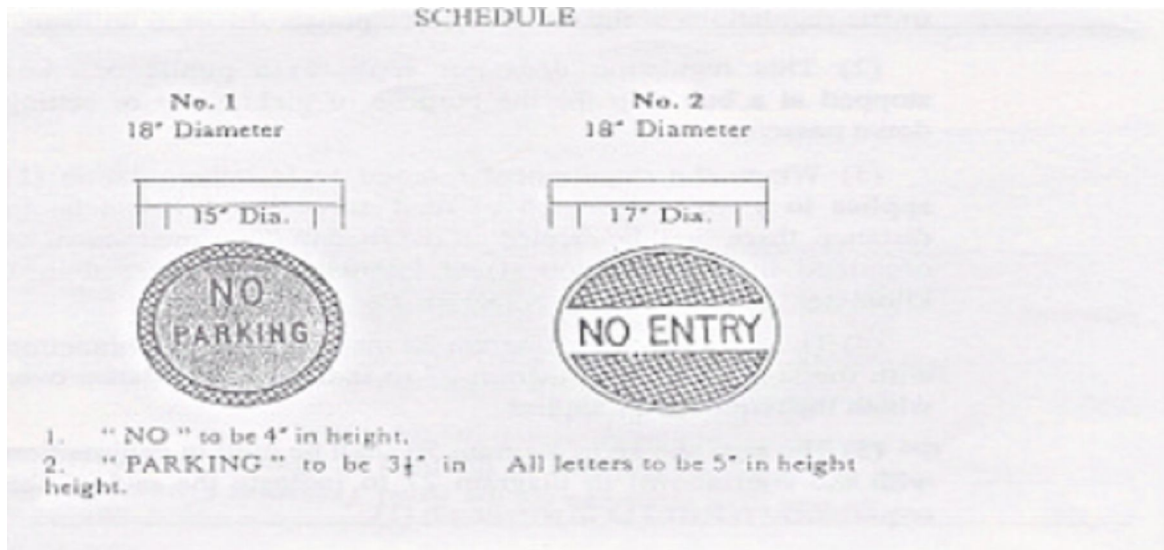
(5) The sign shown in diagram 30 shall be used in conjunction with the sign shown in diagram 27 to indicate the end of the requirement referred to in paragraph (1).

**20.** (1) Where a parking fee is levied for the parking of vehicles on a side of a road or on an open space to which the public are entitled or permitted to have access, a traffic sign of a design and type approved by the Road Transport Commissioner shall be placed on that side of the road or open place to indicate the fee and the period for which the fee is due.

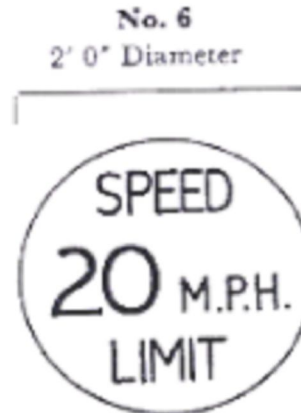
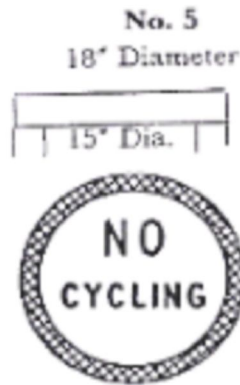
(2) The traffic sign under subregulation (1) may be placed by itself or in conjunction with the sign shown in diagram 26.

**21.** A road marking depicted by a single yellow line placed on the lengthwise sides of parking bay with the capital letter L in yellow inside a circle circumscribed in yellow placed within the bay shall be used to indicate a loading bay.

### SCHEDULE



[next page is page 15]



1. "NO" to be 3" in height.
2. "CYCLING" to be 2" in height.

1. The numerals to be 6" in height.
2. "SPEED LIMIT" to be 3½" in height.
3. "M.P.H." to be 3" in height.

 Yellow

 Red

 Green

No. 7  
2' 0" Diameter



The black band to be 6" in width.

No. 8  
12"



1. The numerals to be 6" in height.
2. "SPEED LIMIT" to be 2½" in height.
3. "M.P.H." to be 2" in height.

No. 9  
2' 0"



1. "HALT" to be 6" in height.
2. All other letters to be 2½" in height.

No. 10  
2' 0"



All letters to be 4" in height.

750



No. 11

To indicate to vehicular traffic the requirements prescribed in Regulation 5(2)



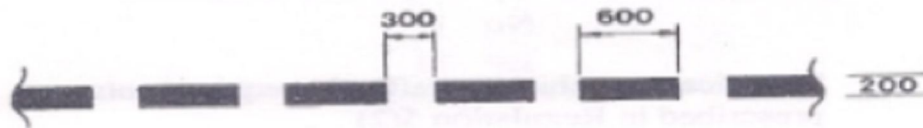
No. 12

To indicate to vehicular traffic the requirements prescribed in Regulation 5(3)



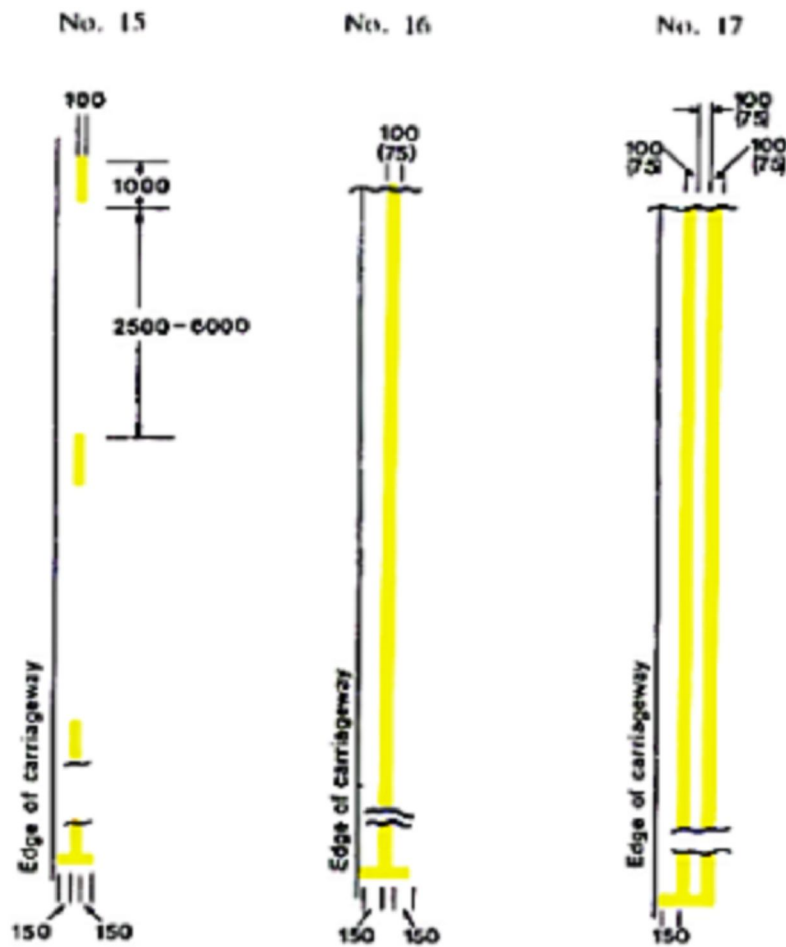
No. 13

Transverse STOP line to indicate position beyond which vehicular traffic must not proceed when required to stop by the sign shown in diagram 11 of this schedule.



No. 14

Transverse GIVE WAY line to indicate to vehicular traffic the requirements prescribed by Regulation 6.

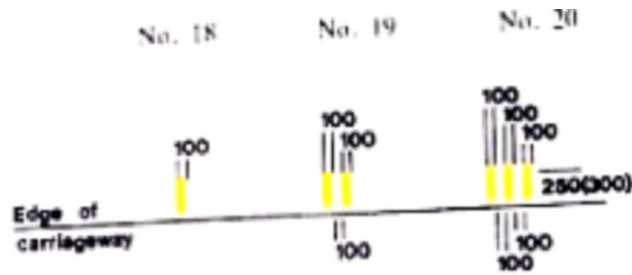


### Diagrams 15 to 17

Longitudinal lines to be laid near the edge of the roadway to indicate that waiting by vehicles on a side of a length of road is prohibited or restricted.

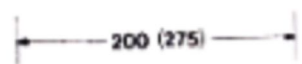
*Note:* When one of these types of longitudinal lines is used alone the short transverse line shall be provided at each end.

When two or more of these types of lines are used in continuous sequence, the short transverse line shall be provided at each end of the sequence and also at any point where the pattern of longitudinal lines change.



Diagrams 18 to 20  
 Lines to be laid at the edge of the footway nearest the carriageway, or where there is no footway at the edge of the carriageway, to indicate to vehicular traffic that waiting by vehicles for the purpose of loading and unloading on a side of a length of road is prohibited or restricted.

Note: Where the footway is provided with a raised kerb the marking shall be continued down the vertical face of the kerb



No. 21



No parking

No. 22



20  
 (25)  
 (37.5)

Plate showing continuous prohibition on parking

No. 23

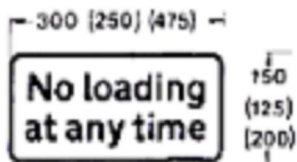


Plate showing continuous prohibition on loading and unloading

No. 24



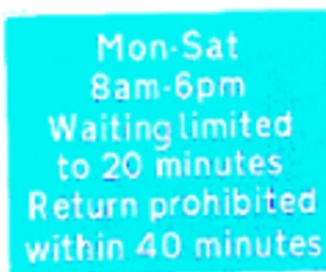
Plate showing hours during and direction in which parking is prohibited.

No. 25



Plate showing times during and directions in which loading and unloading are prohibited.

No. 26



20  
(25)  
(37-5)

Plate showing hours during which parking is limited.

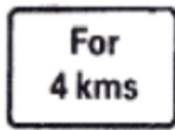


No. 27



Clearway sign.  
No stopping on roadway.

No. 28



Distance over which prohibition extends.  
Plate for use with sign in diagram 17.

No. 29



Clearway repeater.  
Sign for use in conjunction with sign in diagram 17 to be erected on both sides of the road to face oncoming traffic at 1km. intervals.



No. 30



Plate showing end of a prohibition, for use with signs in diagram 27"

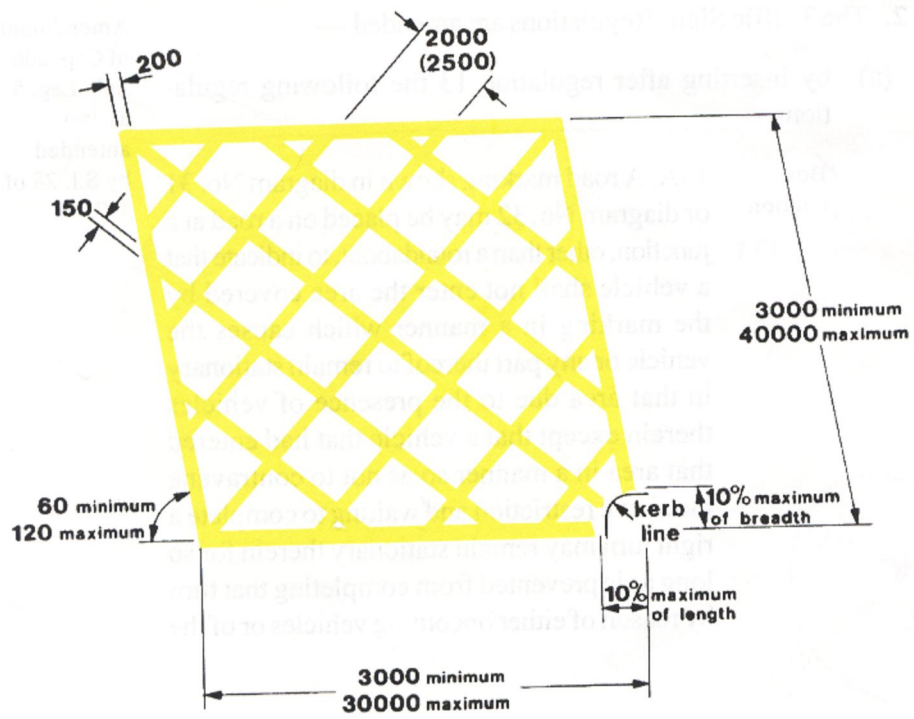
No. 1

No. 2

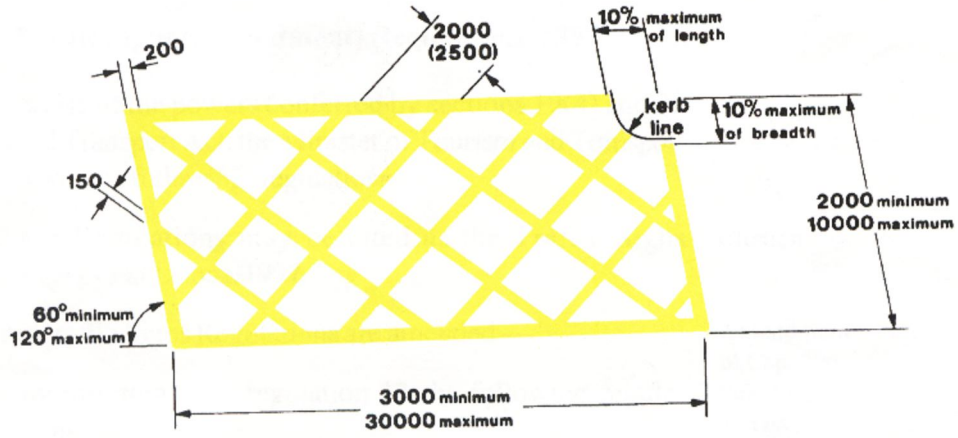
18' Diameter

18' Diameter

# DIAGRAM 31



# DIAGRAM 32



SECTION 21

S.I. 61 of 1984  
S.I. 14 of 1985  
S.I. 27 of 1994

**Road Transport (Parking) Order**

*[15th December, 1984]*

1. This Order may be cited as the Road Transport (Parking) Order.
2. The parking of motor vehicles on the roads specified in the Schedule is prohibited or restricted in the manner respectively set out in relation thereto.
3. The limits within which parking of motor vehicles is prohibited or restricted on the roads specified in the Schedule shall be indicated by signs erected or road markings place under the authority of section 21(3) of the Act.
4. (1) A person shall not park a vehicle on the side of a road where the vehicle would face oncoming vehicles.  
(2) Subparagraph (1) shall apply in addition to any prohibition or restriction contained in paragraph 2 or paragraph 3.

(Para 2)

SCHEDULE

1. *Independence Avenue*
  - (A) North Side
    - (i) No parking between the clocktower and a point 25.0m west of the western flank wall of the museum.
    - (ii) Parking limited to 30 minutes in any hour between the hours of 8 am to 6 pm from Monday to Saturday between a point 25.0m west of the western flank wall of the museum and a point 5.0m west of the eastern flank wall of Kingsgate House.
    - (iii) No parking between a point of 5.0m west of the eastern flank wall of Kingsgate House and the junction with 5th June Avenue.
  - (B) South Side
    - (i) No parking between the clocktower and point 10.0m east of the eastern flank wall of the Magistrate's Court.
    - (ii) No parking (except for Taxis in designated areas) between a point 10.0m east of the eastern flank wall of the Magistrate's Court and a point in line with the eastern flank wall with Barclays Bank.
    - (iii) Parking limited to 30 minutes in any hour between the hours of 8 am to 6 pm from Monday to Saturday in designated parking bays between a point 8.0m east of the western flank wall of Pirates Arms Restaurant and a point of 39.5m west of the eastern flank wall of Independence House.

- (iv) No parking between a point 50m east of the western flank wall of Independence House and the junction with 5th June Avenue.
- (vi) No parking on either side between the junction with 5th June Avenue and the Quay, except in designated areas.

(C) Supreme Court and Magistrates Court Access Road and Car Park

No parking anywhere except with the written authority of the Registrar of the Supreme Court.

2. *Francis Rachel Street*

(a) South-West Side

- (i) No parking between the junction with Liberation Street and the junction with 5th June Avenue.
- (ii) No parking between the junction with 5th June Avenue and a point 160m south of the southern boundary of La Poudriere Lane.
- (iii) Parking limited to 30 minutes in any hours between of 8 a.m. to 6 p.m. from Monday to Saturday in designated parking bays between a point 160m south of the southern boundary of La Poudriere Lane and a point 60m northern most face of Victoria House.
- (vi) No parking between a point 60m south of the northern most face of Victoria House and the junction with State House Avenue.

(b) North-East Side

- (i) No parking between the junction with Liberation Street and the junction with 5th June Avenue.
- (ii) No parking between the junction with 5th June Avenue and the junction with Independence Avenue.
- (iii) Parking limited to 20 minutes in any hour between the hours of 8 a.m. to 6 p.m. from Monday to Saturday in designated car parking bays.

3. *State House Avenue*

No parking on either side.

4. *Albert Street*

(a) West Side

- (i) No parking between the junction with State House Avenue and the junction with Revolution Avenue.
- (ii) No parking between the junction with Revolution Avenue and a point 5.0m south of the southern flank wall of Moulinie's Building.

- (iii) Parking limited to 30 minutes in any hour between the hours of 8 a.m. to 6 p.m from Monday to Saturday between a point 5.0m south of the southern flank wall of Moulinie's Building and the junction with Market Street.
  - (iv) No parking between the junction with Olivier Maradan Street and the junction with Market Street.
- (b) East Side
- (i) No parking between the junction with Independence Avenue and the junction with Huteau Lane.
  - (ii) Parking limited to 30 minutes (except for Taxis in designated areas) in any hour between the hours of 8 a.m. to 6 p.m from Monday to Saturday between a point 5.0m north of Huteau Lane Junction and a point 19.0m south of Palm Street junction.

5. *Revolution Avenue*

- (a) South Side
- (i) No parking (except for buses in designated areas) from the junction with Albert Street and a point 90.0m west of the western kerblines of Bel Air Road junction.
  - (ii) No parking from 7 a.m. to 5 p.m. between a point 90.0m west of the western kerblines of Bel Air Junction and a point 20.0m east of the junction of Eau Claire Lane.
- (b) North Side
- (i) No parking between the junction with Albert Street and a point 70.0m east of the eastern boundary of Benezet Street.

*Market Street*

- (a) North Side
- No parking between the junction with Albert Street and the junction with Quincy Street.
- (b) South Side
- (i) No parking between a point 10.0m west of the western kerblines of Church Street and the junction with eastern edge of Church Street.
  - (ii) No parking between the junction with Quincy Street and a point 30.0m east of the eastern kerblines of Quincy Street.
  - (iii) Parking limited to 20 minutes for loading only in an area designated between the western end of the portion of Market Street restricted for the use of pedestrians only and the eastern kerblines of Church Street.
  - (iv) Parking limited to 20 minutes for loading only in designated bays outside the market.

7. *Church Street*
- East Side
- No parking between the junction with Market Street and the junction with Olivier Maradan Street.
- West Side
- Parking for commercial vehicles only limited to 30 minutes between a point 10m north of Market Street to a point 10m south of Olivier Maradan Street.
- 7A. *Benezet Street*
- Parking limited to loading only for 20 minutes in designated bays.
8. *Olivier Maradan Street*
- Parking Limited to 30 minutes between a point 30m west of the western edge of Manglier Street and a point 30m further to the west.
9. *Huteau Lane*
- South Side
- No parking.
- North Side
- Parking limited to 30 minutes between a point 30m west of the western edge of Manglier Street and a point 30m further to the west.
10. *Quincy Street*
- No parking on either side.
11. *St. Joseph Street*
- No parking on either side.
12. *Mont Fleuri Road*
- (i) No parking (except for buses and cars in designated areas) on either side of the road from Le Chantier roundabout and Les Mamelles Bridge.
- (ii) Parking limited to 20 minutes in any hour between the hours of 8 a.m. to 6 p.m. from Monday to Saturday in designated car parking bays.
13. *Foret Noire Road*
- No parking on the South east side of the road for a distance of 23.0m from a point 9.0m from its junction with the Mont Fleuri Road.
14. *5th June Avenue*

- No parking on either side.
15. *Palm Street*
- No parking on either side.
16. *Bel Air Road*
- No parking on either side between the junction with Revolution Avenue and the junction with Liberation Road.
17. *Manglier Street*
- East-North Side
- No parking from the junction with Huteau Lane and the junction with 5th June Avenue.
- West-South Side
- Parking is limited to 30 minutes restricted to the area between a point 20m south of the southern edge of Huteau Lane and a point 5m north of northern-side of the Seychelles Marketing Board car park access.
18. *Hangard Street*
- (a) South side
- No parking between the junction with St. Joseph street and the junction with Labourdonnais Street.
- (b) North Side
- (i) No parking between the junction with Creve Coeur Road and a point 15.0m east of Creve Coeur Road.
- (ii) No parking between a point in line with the western edge of Ross Lane and a point 25.0m west of the western edge of Ross Lane.
- (iii) No parking 12.0m either side of Button Lane Junction.
- (iv) No parking between the junction with St. Joseph Street and a point 20.0m west of St. Joseph Street.

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Section 23 and 28

**Road Transport (Pedestrian Zebra Crossings) Regulations.**

S.I. 42 of 1982

*[19th July, 1982]*

1. These regulations may be cited as the Road Transport (Pedestrian Zebra Crossing) Regulations.

**2.** In these Regulations, unless the context otherwise requires-

"give-way line" means a give-way line in a zebra controlled area as defined in Paragraph 4(1) (a) of the Schedule;

"pedestrian" means foot passenger;

"vehicle" includes any part of a vehicle;

"zebra crossing" or "crossing" means a crossing for pedestrian established on a road under section 23 of the Act;

"zebra controlled area" means an area in the vicinity of a zebra crossing marked in accordance with the Schedule.

**3.** A zebra crossing and its limits and any zebra controlled area in the vicinity of a zebra crossing shall be indicated in accordance with the Schedule.

**4.** (1) Where a pedestrian is on the road within the limits of a zebra crossing before a vehicle comes within those limits the driver of the vehicle shall give precedence to the pedestrian by stopping at or before the give-way line, or when there is no give-way line, the solid white line indicating the limit of the crossing.

(2) For the purpose of this regulation, where there is a street refuge or central reservation on the zebra crossing, the parts of the zebra crossing on either side of that street refuge or central reservation shall each be treated as a separate zebra crossing.

**5.** The driver of a vehicle shall not cause the vehicle to stop within the limits of a zebra crossing unless either-

(a) he is prevented from proceeding by circumstances beyond his control; or

(b) it is necessary for him to stop in order to avoid an accident.

**6.** No pedestrian shall remain on the road within the limits of a zebra crossing longer than is necessary for the purpose of passing over the zebra crossing with reasonable speed.

**7.** (1) While a vehicle is on a zebra crossing or in a zebra controlled area, the driver shall not cause the vehicle to overtake another vehicle which is moving or which has stopped to give precedence to a pedestrian on the zebra crossing.

(2) Except to give precedence to a pedestrian on a zebra crossing, no person shall stop a vehicle or cause a vehicle to be stopped in a zebra controlled area.

(3) No person shall park a vehicle or cause a vehicle to be parked in a zebra controlled area.

(4) For the purpose of this regulation, a vehicle is deemed to overtake another vehicle if the foremost part of the vehicle passes ahead of the foremost part of the vehicle.

**8.** (1) Where a zebra controlled area is established, no pedestrian shall enter, be in or cross the road in the zebra controlled area.

(2) Where no zebra controlled area is established, no pedestrian shall cross the road within 15 metres of the limit of a zebra crossing except within the limits of the crossing.

9. (1) These regulations do not apply to any vehicle on an occasion when it is being used for ambulance, fire brigade or police purposes if the observance of these regulations would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

(2) Nothing in sub-regulation (1) authorises a person to use a vehicle for ambulance, fire brigade or police purposes in contravention of the Act or any other statutory instrument made under the Act.

10. A person who contravenes Regulation 4,5,6,7 or 8 is guilty of an offence punishable in terms of section 24(2) of the Act.

## **SCHEDULE**

### **INDICATION OF ZEBRA CROSSING AND ZEBRA**

#### **CONTROLLED AREA**

##### *Limits of zebra crossing*

1. The limit of a zebra crossing shall be indicated by a solid white line painted across the road on each side of the crossing in accordance with the diagram annexed to this Schedule.

##### *Stripes of Zebra Crossing*

2. (1) The road shall be marked within the limits of a zebra crossing with a pattern of alternate black and white stripes (leaving a gap of not less than 200mm from the line painted in terms of paragraph 1, as shown in the diagram)

(2) Where the colour of the road surface provides a reasonable contrast with the colour of white, that surface may itself be used as stripes which would otherwise have to be black.

(3) Sub-paragraphs (1) and (2) are complied with if a zebra crossing is only marked in accordance with those sub-paragraphs, even if one or more stripes are not so marked or are imperfect or discoloured, so long as the general appearance of the pattern of stripes is not materially impaired.

##### *Lighting of zebra crossing*

3. (1) A lamp (showing a white light) may be provided to give a better indication of a pedestrian on, at or near a zebra crossing at night.

(2) A lamp provided under sub-paragraph (1) shall be arranged so that-

- (a) the lowest part is not less than 2 metres above the surface of the ground in the immediate vicinity; and
- (b) the source of illumination is not visible to drivers of approaching vehicles.

*Zebra controlled area*

4. (1) Where a zebra controlled area is established it shall be indicated, in accordance with the diagram annexed to this Schedule, by-

- (a) a give-way line, being a white broken line 1 metre from and parallel to the solid white line indicating the limit of the crossing; and
- (b) white zig-zag lines running generally parallel to the edge of the road; and
- (c) a white terminal line marking the ends of the zig-zag lines.

(2) A zebra controlled area extends along the road from the limit of the zebra crossing to the terminal line.

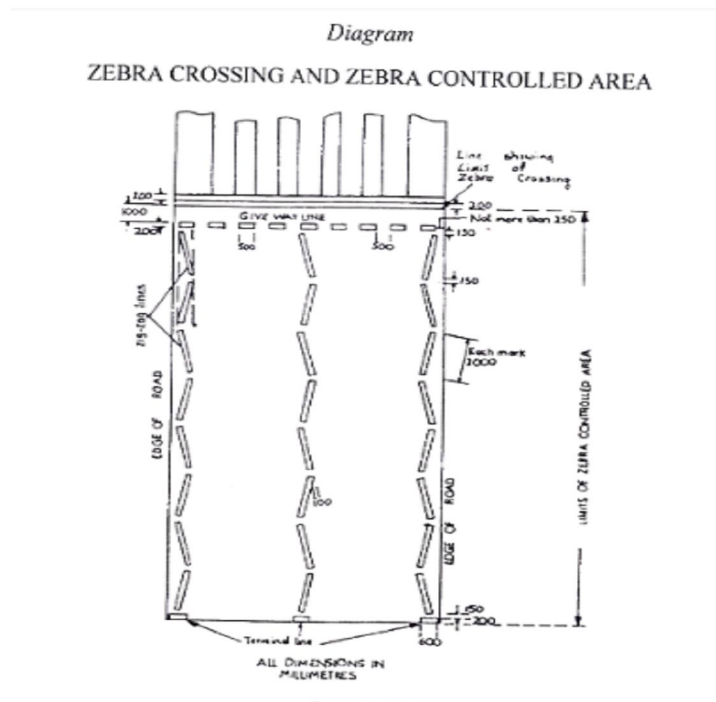
(3) The lines specified in sub-paragraph (1) shall be painted on the road to the dimensions specified in the diagram:

Provided that a variation in a dimension of not more than 20 percent of that dimension is permitted.

(4) It is not necessary for the total length of the zig-zag lines or the number of pieces making them up to conform to the diagram, which in this respect is illustrative only and not mandatory.

*Imperfections etc. in lines*

5. A zebra crossing or its limits or a zebra controlled area is deemed to be indicated in accordance with this Schedule, even if any line is imperfect, discoloured or displaced, so long as the general indication of the line is not materially impaired.



Section 28

**THE ROAD TRANSPORT REGULATIONS**

*[23rd January, 1950]*

ARRANGEMENT OF REGULATIONS

*Preliminary*

1. Citation.
2. Definitions.

PART II

*Equipment and Conditions of Vehicles*

3. Warning appliances.
  4. Prevention of damage to road.
  5. Dimensions of vehicles.
  6. Motor engines
- Emission of smoke*
7. Suppression of ignition system.
  8. Exhaust silencers.
  9. Driving mirror.
  10. Steering and controls.
  11. Brakes.
  12. Wheels and tyres.
  13. Condition and maintenance of tyres.
  14. Windscreens and windows of motor vehicles to be clear.
  15. Safety glass.
  16. Windscreen wipers.

G.G. 23/1/1950  
30/1/1950.  
10/7/1950  
24/7/1950.  
G.N. 78/1951.  
94/1951.  
86/1952  
P. 16/1952.  
P. 93/1956  
S.I. 6/1958.  
S.I. 4/1960.  
S.I. 15/1960.  
S.I. 61/1960.  
S.I. 54/1962.  
S.I. 8/1963.  
S.I. 65/1964.  
S.I. 21/1965.  
S.I. 40/1965.  
S.I. 28/1967.  
S.I. 39/1967.  
S.I. 49/1967.  
S.I. 58/1968.  
S.I. 3/1970  
S.I. 6/1970.  
S.I. 81/1972.  
S.I. 112/1972.  
S.I. 77/1973.  
S.I. 76/1974.  
S.I. 102/1974.  
S.I. 13/1975.  
S.I. 95/1975.  
S.I. 104/1975.  
S.I. 109/1975.  
S.I. 110/1975.  
S.I. 93/1976.  
S.I. 104/1976.  
S.I. 53/1977.  
S.I. 7/1978.  
S.I. 39/1978.  
S.I. 40/1978.  
S.I. 47/1978.  
S.I. 65/1978.  
S.I. 103/1978.  
S.I. 77/1980.  
S.I. 62/1981.  
S.I. 5/1982.  
S.I. 15/1982.  
S.I. 41/1982.  
S.I. 39/1984.  
S.I. 71/1984.  
S.I. 38/1987.  
S.I. 13/1988.  
S.I. 44/1988.  
S.I. 32/1989.  
S.I. 9/1990.  
S.I. 16/1990.  
S.I. 71/1991.  
S.I. 64/1994.  
S.I. 53/1996.  
S.I. 74/1997  
S.I. 38/1998  
S.I. 4/1999  
S.I. 18/1999  
S.I. 24/1999  
S.I. 10/2000

*Clear view.*

- 17 Types of direction indicator.
18. Commercial vehicles: passengers.
19. Drivers and conductors to be licensed.
20. Disinfection of vehicles.
21. All parts of public vehicles to be maintained in good order.
22. Trailers.

PART 3

*Load of Vehicles*

23. Dimensions of loads.
24. Projecting loads.
25. Loads not to touch road.
26. Maximum weight of load.
27. Overall permitted weight.
- 27A. Maximum axle load.

PART 4

*Lighting*

28. Lighting-up time.
29. Carts and carriages.
30. Bicycles.
31. Motor vehicles.
32. Bicycles propelled by mechanical power and combination.
33. Headlamp.
- 33A. Other requirement of headlamp.

PART 5

*Vehicle Licensing and Registration*

34. Vehicles to be registered and licensed.

- 34A. Allocation and reallocation of numbers.
- 35. Applications.
- 36. Surrender of expired licenses.
- 37. Restriction on licenses for camion.
- 38. Learner's permit.
- 39. Conditions.
- 40. Notification of breaking up, destruction or exportation of vehicles.
- 41. Refund of licenses in certain cases.
- 42. Duplicate licenses.

#### REGULATION

- 43. Defacement of licenses.
- 44. Mode in which license to be carried.
- 45. Special inspection of vehicles.
- 45A. Fitness test for bicycles and tricycles.

#### PART 6

##### *Driving Licenses*

- 46. Driving licenses.
- 47. Driving test.
- 48. Certificates of competency to drive.
- 49. Medical test.
- 50. Licence to drive a commercial or public motor vehicle.
- 51. Duration.
- 52. Type of licence to be issued in respect of motor vehicle.
- 53. Responsibility of driving instructors and display of "L" plates.

#### PART 7

##### *Identification Marks*

- 54. Registered number and mark to be affixed to vehicles.

55. Carts and carriages.
56. Discs or labels on bicycles or tricycle.
57. Motor bicycles.
58. Other motor vehicles.
59. Plates to be visible.
60. Trailers.

## PART 8

### *Application of International Convention*

61. Visitors to Seychelles.
62. Recognition of international certificates.
63. Provisions of regulations 62 to apply in certain cases.
64. International certificates and permits.

## PART 9

### *Rules of the Road*

65. Observance of signals and orders given by police.
66. Rule of the road.
67. Vehicles passing on the road.
68. Turning corners.
69. Right turn.
70. Left turn.
71. Slowing down.
72. Traffic police.
73. Vehicle descending hill.
74. Rules for bicycles and motor cycles.
75. Vehicle stopping on roads.
76. Speed limits on Mahe, Praslin and La Digue.
- 76A. Speed limits of public service vehicle and special purpose vehicle.

## PART 10

### *General*

- 77. Prescription of fees.
- 78. Lost property.
- 79. Minister may give direction as to standard and equipment.
- 79A. Victoria Vehicle Testing Station and designated garage.

## PART 11

### *Offences*

- 80. Using vehicles contrary to regulations.
- 81. Saving.
- 82. Offences in connection with lighting of vehicles.
- 83. Unnecessary noise.
- 84. Miscellaneous offences.
- 85. Further offences.

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## PART 1

### *Preliminary*

- 1. These regulations may be cited as the Road Transport Regulations.
- 2. In these regulations unless the context otherwise requires-

“bicycle” means a two wheeled vehicle used for conveyance of persons on any road and includes a tandem but does not include a motor cycle or a rickshaw;

"cart or carriage" means a vehicle drawn by an animal or a person;

"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 but shall not include any vehicle which is intended to be used for the conveyance of goods and which has subsequently been adapted, altered, modified or changed for use as a passenger vehicle; and

"omnibus" means a public or private omnibus;

"prescribed" means prescribed by regulations made under the Act;

“public service vehicle” means a taxi, a commercial vehicle and an omnibus;

"public vehicle" shall not include any motor vehicle which is given on hire or for reward by or on behalf of the owner thereof to any person for use by that person on condition that such motor vehicle be driven by or under the authority of that person;

"rider" means a person engaged in the riding of a bicycle or a tricycle and, where a separate person acts as steersman of a bicycle includes that person and the word "ride" shall be construed accordingly;

"special purpose vehicle" means a vehicle used for a specific purpose other than for transportation of passengers or the conveyance of goods, and includes a tractor, dumper, trailer and excavator;

"tandem" means a bicycle with two sets of pedals and two saddles arranged one behind the other for two riders;

"trailer" means any vehicle which has no independent motive power of its own and which is attached to and drawn by a motor-vehicle but does not include any part of an articulated vehicle or any side-car attached to a motor-vehicle;

"tricycle" means a three wheeled vehicle used for the conveyance of persons or goods on any road.

## PART 2

### *Equipment and Condition of Vehicles*

3. (1) Every motor vehicle shall carry an effective horn, or such appliance for giving audible warning as may be approved by the Road Transport Commissioner, having regard to the provisions of paragraph (4).

(2) To every bicycle, tricycle and rickshaw there shall be affixed an effective bell or horn for giving audible warning.

(3) Except where necessary on the grounds of safety no person shall on any road sound any warning appliance on a stationary vehicle.

(3) (a) A steering system with a steering wheel that is 380mm in diameter should be so constructed as to allow free play for the steering wheel in accordance with this regulation.

(i) Where there are several joints between the steering wheel and the rack there should be movement up to 48mm.

(ii) On a rack and pinion steering system free play must not exceed 13mm and on a non-rack and pinion steering system free play must not exceed 75mm.

(4) (a) The sound of a single horn, or several horns operating simultaneously, of a motor vehicle shall not be below 90 db or above 115 db, and such sound shall not vary in continuity, sound level or tone quality.

- (b) A siren or bell may be allowed as a substitute for a horn only in the case of a fire engine, an ambulance, police vehicle or a highway patrol vehicle.

4. Every vehicle moving on any road shall have its wheels properly aligned so that their rolling motion is truly conveyed to the road. No vehicle with a defective wheel, tyre, wheel hub or axle, or with any other defect which allows the wheel or tyre to damage the road, shall be used on any road.

5. (1) No person shall without the written permission of the Minister cause or permit any vehicle to be used on any road or shall drive or have charge of such vehicle when so used, unless the following conditions are complied with:-

- (a) The extreme width including the mudguards shall not exceed 2.3 metres.
- (b) The maximum height loaded, or unloaded, measured from the surface of the road, shall not exceed 2.9 metres and shall in no case be greater than twice the distance between the rear wheels measured from the centre of the tyres.
- (c) The length measured between the extreme projecting points of the vehicle shall not exceed 7 metres.
- (d) The overhang behind the rear axle shall not exceed seven twenty-fourths of the extreme length.
- (e) The tare weight shall not exceed 3300 kilograms.

(2) The weight to be prescribed under subsection (1) of section 3 of the Act shall be as follows:-

- (i) when the vehicle is imported without body 2800 kilograms.
- (ii) when the vehicle is imported with the body 3300 kilograms.

6. The engine of a motor vehicle shall be so designed and maintained as to prevent serious inconvenience to other person using the road and without prejudice to the generality of the foregoing as to -

- (a) comply with the standard specification for automotive vehicle emissions established from time to time by the Seychelles Bureau of Standard for that motor vehicle;
- (b) prevent emission of foul smelling or harmful gases and excessive smoke;
- (c) prevent danger of fire and explosion;
- (d) work in an efficient manner.

7. The ignition system of every motor vehicle shall be ignition electrically suppressed against causing radio interference.

**8.** Every vehicle propelled by an internal combustion engine shall be fitted with an effective silencer.

**9.** (1) No person shall drive any motor vehicle (except a motor bicycle alone or in combination) unless it is equipped with a mirror giving him a clear view of all following traffic.

(2) This regulation shall be deemed to be complied with in the case of a bus or a goods vehicle the gross weight of which exceeds 3500 kg (not being an agricultural vehicle) if -

- (a) one mirror is fitted externally on the offside of the vehicle;
- (b) one mirror is fitted internally giving the driver a view of the rear of the vehicle;
- (c) one mirror is fitted externally on the near side of the vehicle together with a mirror fitted internally giving the driver a view of the rear of the vehicle;
- (d) in the case of a bus or minibus, the driver is able to see the area immediately inside and outside every service door of the bus or minibus.

**10.** (1) No vehicle shall be used on any road unless it is equipped with an effective steering apparatus which will allow it to be turned readily and with certainty.

(2) No motor vehicle shall be used unless the steering and other controls are so arranged that the driver can manipulate them with certainty while retaining a clear view of the road.

- (3) (a) A steering system with a steering wheel that is 380mm in a diameter should be so constructed as to allow free play for the steering wheel in accordance with the regulation.
- (b) When there are several joints between the steering wheel and the rack there should be movement up to 48mm.
- (c) On a rack and pinion steering system free play must not exceed 13 mm and on a non-rack and pinion steering system free play must not exceed 75 mm.

**11.** (1) Every motor vehicle shall be equipped with two entirely independent braking systems, or with one efficient braking system having two independent means of operation, in each case so designed and constructed that the failure of any single portion of any braking system shall not prevent the brakes on two wheels, or, in the case of a vehicle having less than four wheels, on one wheel, from operating effectively so as to bring the vehicle to rest within a reasonable distance:

Provided that in the case of a single braking system, the two means of operation shall not be deemed to be otherwise than independent solely by reason of the fact that they are connected either directly or indirectly to the same cross shaft.

(2) Where, in the case of a single braking system, the means of operation are connected directly or indirectly to the same cross shaft, the brakes applied by one of such means shall act on all of the wheels of the motor vehicle directly and not through the transmission gear.

(3) In all cases the brakes operated by one of the means of operation shall direct mechanical action without the intervention of any hydraulic, electric or pneumatic device.

(4) In all cases the brakes operated by one of the means of operation shall act directly upon the wheels and not through the transmission gear.

(5) All brakes prescribed by these regulations shall at all times while the motor vehicle or trailer is used on a road be maintained in good and efficient working order and shall be properly adjusted and without prejudice to the foregoing the braking efficiency of a motor vehicle of a class specified in column 1 shall be such that when the percentage brake force specified for the class of vehicles as a corresponding entry in column 2 is applied in respect of the unladen vehicle, the vehicle does not have an imbalance of more than 25% on steered roadwheels of the vehicle -

<b>Column 1</b>	<b>Column 2</b>
motor vehicle, other than a	
motor cycle, bicycle,	
tricycle, or tracked motor	
vehicle	50%
motor cycle	30%
trailer	45%

(6) Every trailer shall be fitted with sufficient brakes to the satisfaction of the Commissioner of Police:

Provided that this regulation shall not apply in the case of two wheeled trailers not constructed with brakes which were in use in Seychelles prior to the commencement of these regulations.

(7) Every bicycle or tricycle shall be equipped with a safe and efficient brake.

**12.** (1) Except with the special permission of the Minister in each case, no motor vehicle, trailer, bicycle or tricycle shall be used on any road unless all its wheels are fitted with pneumatic tyres, not being recut pneumatic tyres.

(2) Effective mud-guards shall be provided on all vehicles.

(3) In this regulation-

"pneumatic tyre" means a tyre which complies in all respects with the following requirements-

(i) it shall be provided with, or together with the wheel upon which it is mounted shall form, a continuous closed chamber inflated to a pressure substantially exceeding atmospheric pressure when the tyre is in the condition in which it is normally used, but is not subjected to any load;

- (ii) it shall be capable of being inflated and deflated without removal from the wheel or vehicle;

"recut pneumatic tyre" means any pneumatic tyre in which an existing tread pattern has been cut or burnt deeper or a new tread pattern has been cut or burnt except where the pattern has been cut or burnt entirely in additional material added for the purpose.

**13.** (1) No person shall use or cause or permit to be used on road any motor vehicle or trailer having a wheel fitted with a pneumatic tyre, if -

- (a) the tyre is unsuitable having regard to the use to which the motor vehicle or trailer is being put or to the types of tyres fitted to its other wheels;
- (b) the tyre is not so inflated as to make it fit for the use to which the motor vehicle or trailer is being put;
- (c) the tyre has -
  - (i) any break in its fabric; or
  - (ii) a cut exceeding the greater of 25 millimetres or 10 percent of the section width of the tyre, measured in any direction on the outside of the tyre and deep enough to reach the body cords;
- (d) the tyre has any lump or bulge caused by a separation or partial failure of its structure;
- (e) the tyre has any portion of the ply or cord structure exposed; or
- (f) the tread pattern of the tyre does not have a depth of at least 1 millimetre throughout at least three quarters of the breadth of the tread and round the entire outer circumference of the tyre.

(2) Without prejudice to sub-regulation (1), no person shall use or cause or permit to be used on a road a motor vehicle or trailer unless its tyres are maintained in such condition -

- (a) as to be fit for the use to which it is being put; and
  - (b) as to be free from any defect which might in any way cause-
    - (i) damage to the surface of the road; or
    - (ii) danger to persons on or in the vehicle or trailer or other persons using the way.
- (3) For the purposes of sub-regulation (1) (a), -
- (a) a pneumatic tyre is deemed to be unsuitable having regard to the types of tyres fitted to the other wheels of the motor vehicle or trailer if, except with the express written permission of the Commissioner of Police, it is a tyre of a different type of structure to any of the tyres fitted to those wheels; and

- (b) a bias-belted tyre, a diagonal-ply tyre and a radial-ply tyre is each deemed to be a tyre of a different type of structure from one another.

(4) The Commissioner of Police is the prescribed authority for the purpose of section 30 of the Act (Evidence by certificate) in relation to depth of tread indicators or other devices for measuring the condition of pneumatic tyres.

**14.** (1) Subject to subregulations (3) and (5), the windscreen and windows and windows of a motor vehicle shall be such as to-

- (a) permit the driver of the vehicle, when looking through the windscreen or windows, to obtain a clear view of the outside; and
  - (b) permit a person outside the vehicle, when looking through the windscreen or windows, to identify the driver of the vehicle.
- (2) No device, paint, tint, notice or any other thing which-
- (a) may impair the view of the driver of a motor vehicle; or
  - (b) prevent a person outside the vehicle from identifying the driver of a vehicle,

shall be affixed, applied or placed on, along or across the windscreen and windows of the motor vehicle.

(3) Subregulations (1)(b) and (2)(b) shall not apply to the rear window of a motor vehicle.

(4) A person shall not, except with the written permission of the Commissioner of Police, drive or be in charge of a motor vehicle on a road unless the vehicle is equipped with a windscreen and windows as provided in subregulations (1) and (2).

(5) The Commissioner of Police may, for reasons which he believes to be exceptional, exempt a motor vehicle from the requirements of subregulations (1) and (2).

(6) Regulation 80(a) shall not apply to a driver, or a person in charge, of a motor vehicle which has been exempted under subregulation (5).

**15.** The glass of any windscreen and windows facing to the front on the outside of any motor vehicle shall be of a type which, upon impact, does not fly into fragments capable of causing severe cuts.

**16** (1) An efficient windscreen wiper shall be fitted to every motor vehicle (except a bicycle propelled by mechanical power alone or in combination) which is so constructed that the driver cannot, by opening the windscreen or otherwise, obtain an adequate view to the front of the vehicle without looking through the windscreen.

(2) All glass or transparency fitted to motor vehicles shall be maintained in such condition that it does not obscure the vision of the driver while driving on the road.

**17.** (1) When a motor vehicle is equipped with direction indicators, such indicators shall be of one of the following types:-

- (a) a moveable arm capable of protruding beyond each side of the vehicle and illuminated by a steady amber light when the arm is in the horizontal position;
- (b) a constantly blinking or flashing amber light affixed to each side of the vehicle;
- (c) a constantly blinking or flashing light placed at each side of the front and rear of the vehicle; the colour of such lights shall be white or orange towards the front and red or orange towards the rear.

(2) In the case of any motor vehicle registered under section 9 of the Act on or after the 1st September 1975, paragraph (a) of subregulation (1) shall not apply and paragraph (c) thereof shall have effect as if there were substituted for the words "white or orange towards the front and red or orange towards the rear" the words "amber towards the front and amber towards the rear".

**18.** (1) No passengers shall be carried for reward within or upon a commercial motor vehicle except persons employed by the owner of the vehicle or a person who has hired the vehicle for the purpose of loading or unloading the vehicle, or as the servants of such person, except with the express permission of the licensing authority, which shall be endorsed on the licence of the vehicle.

(2) No person shall in any commercial vehicle sit or be permitted to sit or be upon any goods or luggage at a greater height than 0.9 metres above the floor of the vehicle.

**19.** (1) A person shall not drive or act as a conductor or be permitted to drive or act as a conductor of an omnibus on a road unless he is licensed for the purpose as hereunder provided.

(2) A person shall be disqualified from obtaining a licence to drive or act as a conductor of an omnibus unless he is, in the case of a licence to drive, over the age of 24 years and, in the case of a licence to act as a conductor, over the age of 16 years.

(3) Application for a driver's or a conductor's licence under this regulation shall be made to the licensing authority.

(4) When application for a licence has been made, the licensing authority if satisfied, in the case of a driver, that the applicant is the holder of a valid driving licence and is not otherwise disqualified, and, in the case of a conductor, that the applicant is a fit and proper person and is not disqualified under paragraph (2) of this regulation, shall issue such licence.

(5) A licence to drive or a licence to act as a conductor of an omnibus shall be valid for one year from the date of issue unless it is previously cancelled, suspended or revoked by the licensing authority.

(6) This regulation shall not apply when no passengers are being carried by an omnibus for hire or reward.

**20.** The driver and owner of every vehicle who knows that the said vehicle has conveyed any person suffering from an infectious disease shall immediately report the fact to the Chief Medical Officer and shall arrange with him for the vehicle to be disinfected. No leper shall enter any vehicle for hire.

**21.** All doors, windcreens, seats, handles, hinges, catches, springs, wheels, cushions, lining, trimmings, and other fittings, and all furniture and appointments of public be maintained vehicles, shall be maintained in good order and repair.

**22.** Application for permission to use a trailer attached to a motor vehicle shall be made to the Commissioner of Police.

### PART 3

#### Load of Vehicles

**23.** No person shall drive and no person shall cause or allow to be driven in any public place any motor vehicle which is loaded in a manner likely to cause damage to any person, or so that the load of any part thereof is projecting-

- (a) laterally, beyond the side of the body;
- (b) to the front beyond the foremost part of the vehicle;
- (c) without the special permission of the Commissioner of Police to the rear to a distance exceeding 1.8 metres beyond the rearmost part of the vehicle excluding the tailboard.

**24.** When anything is carried beyond the rearmost part of a vehicle a white flag of not less than 0.4 metres square shall be attached by day; and at night, a lamp in addition to the prescribed lamps on the vehicle, so arranged as to show a red light to the rear.

**25.** No portion of any load shall come into contact with the surface of the road.

**26.** (1) No commercial vehicle shall carry a load exceeding of 1550 kilograms, or any load exceeding that for which it has been designed by the makers, whichever is the less:

Provided that in the case of any vehicle which, notwithstanding that its weight is in excess of that prescribed by law, has, with the permission of the Minister, been imported into Seychelles, the licensing authority may authorise such vehicle to carry a load in excess of 1550 kilograms but not exceeding that for which it has been designed by the makers.

(2) The weight for the load which a commercial vehicle is licensed to carry shall be endorsed in the licence by the licensing authority.

**27.** No motor vehicle shall have a maximum weight laden or unladen exceeding 10200 kilograms.

Provided that in the case of any vehicle imported into Seychelles and having a maximum weight laden or unladen exceeding 10,200 kilograms the overall permitted weight of such vehicle shall be such weight as the Minister shall stipulate when granting permission to import the vehicle or the weight for which it has been designed by the makers, whichever is the less.

**27A.** (1) The maximum axle load, being the weight transmitted by a single axle, of a motor vehicle shall be 10,000 kilograms.

(2) A police officer or a person authorised by the Commissioner of Police in that behalf on production of that person authority, may require a person in charge of a motor vehicle to allow the vehicle to be weighed for the purpose of ensuring compliance with this regulation.

(3) If a person in charge of a motor vehicle refuses or neglects to comply with such requirement or obstructs the police officer or the person authorised in the exercise of their functions, the person in charge of the motor vehicle shall be guilty of an offence.

#### PART 4

##### *Lighting*

**28.** (1) Every vehicle on a road at night shall be lighted in accordance with these regulations or the Road Transport (Lighting of Standing Vehicles) (Exemption) Regulations, where under regulation 3 of the last mentioned regulations motor vehicles are allowed to be parked without lights.

(2) In these regulations "night" means the interval between 6.30 o'clock in the evening and 5.45 o'clock in the morning of the next succeeding day.

**29.** Carts and carriages shall carry one white light in front of the off side.

**30.** Bicycles or tricycles when in motion on a road at night shall show a white light fixed in front and have an efficient red reflector fixed at the rear.

**31.** (1) A motor vehicle shall carry lamps at the front of the vehicle one on each side; and when a motor vehicle is in motion on a road at night the two lamps at the front of the vehicle shall be lighted and the rays from the lamps shall be white or yellow, and, shall be of such intensity as to illuminate the road ahead for a distance at least 45 metres.

(2) A motor vehicle and a trailer not attached to a motor vehicle shall, when stationary on a road at night carry two lamps in front one at each side, showing a white light of sufficient intensity to indicate the presence of the motor vehicle or trailer from a distance of 9 metres to approaching traffic.

(3) A motor vehicle or trailer, when on road at night, and whether in motion or stationary, shall carry two lamps at the rear showing a red light of such intensity as to indicate clearly its presence on the road from a distance of 9 metres to traffic approaching from behind and shall have an uncoloured light to illuminate clearly the letters and figures on the rear number plate unless other means of illuminating such plate are otherwise provided:

Provided that where a trailer is attached to a tractor vehicle it shall be sufficient if such light shows at the rear of the trailer only.

(4) All lamps required by paragraph (1) of this regulation shall be equipped with a means of eliminating any dazzling effect produced by such lamps, but such elimination shall in every case leave sufficient light to illuminate clearly the road ahead for at least 23 metres. Such elimination shall be effected on the approach from the opposite direction of another vehicle, or where in the interests of safety it is necessary.

(5) In this regulation-

"motor vehicle" shall not include a bicycle propelled by mechanical power alone or in combination.

**32.** (1) The provisions of paragraphs (1), (2) and (3) of by regulation 31 shall apply to a bicycle propelled by mechanical power, except that such vehicle need carry only one such lamp at the front and at the rear of the vehicle.

(2) If a side-car is attached to a bicycle propelled by mechanical power there shall be shown, when such vehicle is in motion or stationary on a road at night, at the front on that side of the attachment not adjacent to the cycle an additional light of sufficient intensity as to be visible from a distance of 45 metres.

**33.** (1) In this regulation -

“headlamp” means a lamp placed on a motor vehicle which is used to illuminate the road ahead of the vehicle;

“matched pair of head-lamps” means a pair of headlamps both of which emit light of substantially the same colour and intensity and are both of the same size and shape so that they are symmetrical to each other;

“motor vehicle” means a motor vehicle other than a bicycle, tricycle or motor bicycle or motor tricycle.

(2) A motor vehicle shall be equipped with a matched pair of headlamps at the front of the vehicle and the lamps-

- (a) shall be so placed as to indicate the width of the vehicle;
- (b) shall be fitted with main-beam and dipped-beam functions;
- (c) shall be so designed -
- (d) that its main-beams are switched off by one switch (dip switch) and when so switched off leave a matched pair of dipped-beam head-lamps switched on; or
- (e) the main-beam head-lamp reflectors are deflected by the driver control to make them a matched pair of dipped-beam headlamps.
- (f) shall be so designed that the aims of the headlamps do not dazzle or unduly inconvenience oncoming users of the road.

**33A.** (1) The headlamp of a motor vehicle -

- (a) shall not be so coloured or protected as to affect the Intensity or distribution of light;
- (b) shall together emit sufficient light to enable the driver to see the road ahead up to a distance of 100m;
- (c) shall have a maximum light intensity of 15000 cd per lamp but in the case of a four unit type of headlamp where the main driving beam and sub-

driving beam do not go on at the same time the maximum light intensity of the sub-driving beam shall be 12000 cd per lamp;

- (d) shall be so constructed as to permit dimming or dipping of the beam of light and the dimmed or dipped light should enable the driver to see the road ahead upon a distance of 40m;
- (e) shall be so constructed that the beam of the headlamp while being directed to the course of the motor vehicle is deviated downwards by means of an adjusting device and the downward deviation is within one fifth of the headlamp mounting height at 10m in front of the motor vehicle, and the deviation of the main photo metric axis to the right left at a distance of 10m in front of the motor vehicle does not exceed 20cm and the rightward deviation of a headlamp mounted on the right does not exceed 10cm;
- (f) shall emit a light that is white or light yellow in colour;
- (g) shall be mounted as a height of not more than 1.2m above the ground symmetrically to the longitudinal axis of the vehicle.

(2) Auxiliary headlamps, being headlamps which may be mounted after the motor vehicle is manufactured, shall conform to the following requirements:

- (a) three or more headlamps shall not be capable of being lighted simultaneously;
- (b) the intensity of the light per headlamp shall not exceed 100000 cd;
- (c) an auxiliary headlamp the light beam of which could strike the road at a distance of not less than 40m from the vehicle shall be so wired that it would go off every time that the headlamps are dimmed or dipped;
- (d) the photometric axis of an auxiliary headlamp shall be directed downward and shall not be directed to the right side of the motor vehicle;
- (e) the colour of light of an auxiliary headlamp shall be either white or light yellow;
- (f) the position of auxiliary headlamps must always be at a lower level than that of other headlamps.

## PART 5

### *Vehicle Licensing and Registration*

**\*34** (1) No person shall cause or permit any vehicle, including a trailer but except a rickshaw, to be used on any road, unless the vehicle is duly registered and licensed, and the driver is licensed to drive.

(2) Where a vehicle has been licensed and the licence has expired the conditions and endorsements on the immediately previous expired licence shall, for the purposes of regulation 81(g) of these regulations, be deemed to apply to any use of the vehicle prior to the issue of a new licence.

(3) Nothing in subregulation (2) of this regulation shall be deemed to relieve any person from liability for failure to comply with paragraph (1) thereof or from liability under regulation 80 (g) of these regulations or from any other liability.

**34A.** (1) The licensing authority may allocate, or subject to subregulation (2), reallocate, registration numbers of vehicles.

(2) Where the licence of a vehicle for which a number is to be reallocated is still valid, the licensing authority shall exempt the owner of that vehicle from payment of a registration fee in respect of the reallocated number.

**35.** (1) Every application for registration and licence, and for renewal of licence, shall be made to the licensing authority on such forms as the licensing authority may supply, and shall be accompanied by the prescribed fee and by the licence (if any) which is about to expire.

(2) In respect of any application for the registration and licensing of-

(a) a vehicle described by the manufacturer as a commercial or a goods vehicle but which has been adapted as, or altered to, modified or otherwise changed into a passenger vehicle; or

(b) a vehicle described or known as a dual purpose vehicle,

the Licensing Authority shall decide whether or not such vehicle shall be regarded as a commercial vehicle for the purpose of registration and licensing under these Regulations.

**36.** Every licensee shall surrender the licence to the licensing authority not later than the date of expiry.

**37.** The licensing authority shall not after 30th June, 1972, issue a licence in respect of a new omnibus of a type known as a "camion" unless it is satisfied that such omnibus was ordered from the vehicle dealer on a date prior to 22nd April, 1972.

**38.** (1) Any person driving a motor vehicle on a road during the course of receiving instruction or of gaining experience in driving with the object of presenting himself for a driving test shall –

(a) obtain a learner's permit from the Commissioner of Police;

(b) have beside him in the vehicle as instructor a person who-

(i) holds and has held throughout the 4 preceding years driving licence for that class of vehicles which licence shall not have been suspended or revoked any time during the 3 preceding year;

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**\*Bullock carts do not require a licence - Schedule 2, Licences Act (Cap. 113)**

- (ii) has passed the examination for driving instructors conducted by Land Transport Division of the Ministry of Tourism and Transport;
  - (iii) is sitting in a position from which he can readily stop the vehicle; and
  - (iv) holds a licence issued by the licensing authority to provide services as a driving instructor;
- (c) have affixed both to the front and the rear of the vehicle a plate or card 18 centimetres square, white, with the letter "L" in red, 10 centimetres high, 9 centimetres wide, and 2 centimetres thick issued by Land Transport Division of the Ministry of Tourism and Transport upon the payment of a fee to be fixed from time to time by the Director of the Land Transport Division of the Ministry of Tourism and Transport and approved by the licensing authority:

Provided that paragraph (b) shall not apply to a person driving a motor cycle with or without a side-car attached.

(2) An application for a learner's permit shall be made to the Commissioner of Police.

(3) A learner's permit shall be valid for a period of three months.

(4) No person driving a bicycle propelled by mechanical power on a road in the course of receiving instruction or gaining experience shall carry a pillion passenger unless such passenger is a person licensed to drive that type of vehicle.

**39.** The licensing authority may issue licenses subject to such conditions, including the prohibition of the use of any road, as it thinks fit.

**40.** When any vehicle is broken up or destroyed or sent out of breaking of Seychelles the owner shall notify the licensing authority and deliver up the licence.

**41.** Where it is proved to the satisfaction of the Licensing Authority that any vehicle has been out of use for three or more consecutive months a refund shall be made of the appropriate part of the licence fee based on the number of complete months that the vehicle has been out of use.

**42.** If a licence issued under these regulations has been lost, destroyed or defaced, or the particulars and figures thereof have become altered by fading or otherwise, the owner of the vehicle shall apply to the licensing authority for the grant to him of a duplicate licence. The licensing authority may in its discretion grant a duplicate licence on payment of the prescribed fee.

**43.** Any person who shall by writing, drawing, or in any other manner, alter, deface, mutilate or add anything to any licence shall be deemed guilty of an offence.

**44.** (1) The licence issued in respect of every vehicle shall be carried upon the vehicle at all times when the vehicle is used on any road, and shall be produced by the driver to any police officer in uniform on demand.

(2) The counterfoil of the licence issued in respect of every motor vehicle equipped with a windscreen shall be fastened to the near side of the windscreen in such a manner as to be clearly legible from the outside of the vehicle.

**45.** (1) The Licensing Authority shall not issue a licence in respect of a motor vehicle unless the motor vehicle has, not more than 30 days before the application for the licence, been inspected, tested and certified to conform with this Act -

- (a) in the case of a motor vehicle which is on Mahe at the time of the application, by an authorised officer of the Victoria Vehicle Testing Station;
- (b) in the case of a motor vehicle which is on Praslin at the time of the application, by an authorised officer of the Victoria Vehicle Testing Station or an approved garage on Praslin;
- (c) in the case of a motor vehicle which is on La Digue at the time of the application, by an authorised officer of the Victoria Vehicle Testing Station or an approved garage on Praslin or La Digue.

(2) An owner or driver of a motor vehicle shall on demand in writing by a police officer produce the vehicle for inspection and test specified in the demand -

- (a) in the case of vehicle which is on Mahe at the time of the demand, at the Victoria Vehicle Testing Station or such other approved garage;
- (b) in the case of a vehicle which is on Praslin at the time of the demand, at the Victoria Vehicle Testing Station or an approved garage on Praslin;
- (c) in the case of a vehicle which is on La Digue at the time of the demand, at the Victoria Vehicle Testing Station or an approved garage on Praslin or La Digue.

(3) Where -

- (a) a police officer; or
- (b) where a motor vehicle has been produced for inspection and testing at the Victoria Vehicle Testing Station or an approved garage on Praslin or La Digue, an authorised officer of the Station or garage,

considers that a motor vehicle does not in every respect conform with this Act, the police officer or authorised officer may issue to the owner, driver or person in charge of the motor vehicle and affix on a conspicuous place on the vehicle a notice prohibiting the use of the vehicle on the road until the defect specified in the notice has been remedied and the notice has been withdrawn and removed from the vehicle as provided under subregulation (4).

(4) Where a notice under sub- regulation (3) has been issued in respect of and affixed to a motor vehicle -

- (a) a person shall not use or drive the vehicle, except with the authorisation of the police officer or, as the case may be, an authorised officer of the Victoria Vehicle Testing Station or an approved garage for the purpose of taking the vehicle to a designated place specified by the police officer or authorised officer, until the police officer or authorised 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 or, as the case may be, an authorised officer of the Victoria Vehicle Testing Station or approved garage on Praslin or La Digue has withdrawn the notice and authorised its removal from the vehicle.

(5) Where, following an inspection and test of a motor vehicle, an authorised officer of the Victoria Vehicle Testing Station or an approved garage on Praslin or La Digue does not issue the vehicle with a certificate of fitness, a person aggrieved by the decision may immediately on payment of the prescribed fee appeal against the decision in the Form provided at the Victoria Testing Station or at the approved garage.

(6) On an appeal under subregulation (5), the motor vehicle shall be inspected and tested by a panel consisting of at least 2 authorised officers none of whom shall be the authorised officer who first inspected and tested the vehicle and where the vehicle, not having been first subject to any repair, modification or otherwise, is found on appeal to conform with this Act the owner or person in charge of the vehicle shall be refunded the fee paid on the appeal under subregulation (5).

(7) In this regulation -

“approved garage” means a licensed garage which the Road Transport Commissioner may from time to time designate by notice in the Gazette and a local daily newspaper;

“authorised officer”, in relation to an approved garage means a person approved by the Road Transport Commissioner for the purposes of this regulation;

“certificate of fitness” means a certificate issued by the Victoria Vehicle Testing Station or an approved licensed garage certifying that the motor vehicle specified in the certificate conforms with this Act;

“Victoria Vehicle Testing Station” means the Vehicle Testing Station referred to in regulation 79A and includes, where that Vehicle Testing Station is not in operation, a garage designated for this purpose by the Road Transport Commissioner by notice in the Gazette and a local newspaper.

**45A.** (1) Every bicycle or tricycle in respect of which a licence is applied for under the Licences (Road Transport) Regulations, shall be produced by or on behalf of the applicant for the licence at such place as may be fixed by the licensing authority for the purpose of ascertaining whether the tricycle or bicycle satisfies the necessary conditions of solidity and safety and otherwise conforms to the conditions laid down by these Regulations.

(2) The Licensing Authority shall not issue a licence in respect of a bicycle or tricycle unless the bicycle or tricycle has been certified after an inspection under subregulation (1) to conform to the conditions laid down by these Regulations.

(3) Every owner or rider of a bicycle or tricycle shall on demand by a police officer not below the rank of a sergeant or any person authorised by the licensing authority produce the bicycle or tricycle at any place at such time and date as the police officer or person authorised by the licensing authority may appoint and shall then submit it for such inspection and test as may be required.

(4) Where on an inspection and test under subregulation (3), the police officer or person authorised by the licensing authority considers that the bicycle or tricycle does not conform to the conditions laid down by these Regulations, the police officer or person may issue to the owner or rider a notice prohibiting the use of the bicycle or tricycle until the defects specified in the notice have been withdrawn and shall notify the licensing authority accordingly.

(5) Where a notice has been issued under subregulation (4) in respect of a bicycle or tricycle, the owner or a rider of the bicycle or tricycle on whom the notice had been served shall not use or permit the use on a road of the bicycle or tricycle until the notice had been withdrawn by a police officer referred to in subregulation (3) or person authorised by the licensing authority.

## PART 6

### *Driving Licences*

**46.** (1) The licensing authority may require any applicant for the grant of a licence to pass a medical test and in the case of a driving licence a driving test to show that he is capable of driving and fully controlling the vehicle which he desires to be licensed to drive, and to pay such fee in respect thereof as is specified under the licenses Act.

(2) The Commissioner of Police may require an applicant for a learner's permit to pass a medical test.

(3) An applicant for a learner's permit shall pay the fee specified in the Schedule to these Regulations.

**47.** (1) The driving test shall be held at such time and place as the Commissioner of Police may require and shall be directed to ascertain the ability of the applicant-

- (a) to control the vehicle in traffic;
- (b) to bring the vehicle to a standstill rapidly in an emergency;
- (c) to turn corners, cross main roads and turn from streets to main roads;
- (d) to pass other vehicles on the road;
- (e) to turn round on a road and generally to give the proper signals, to understand the mechanism and to carry out running repairs;
- (f) to observe the rules of the road.

(2) An applicant who fails to pass a test may submit himself for a further test on payment of the prescribed fee.

(3) Such driving test shall be carried out on the type of vehicle for which application for a licence to drive has been made.

**48.** If any applicant shall satisfy the testing officer that he is competent to drive and fully control the vehicle which he proposes to drive he shall receive from that officer a certificate to that effect and shall deliver the certificate to the licensing authority before his application is approved.

**49.** (1) The medical test required by these regulations shall be carried out by the Chief Medical Officer or by any qualified medical practitioner approved by him.

(2) Every applicant for a licence to drive a motor vehicle who is medically examined, shall produce to the licensing authority the medical certificate before the grant of the licence may be approved.

**50.** (1) Every applicant to drive a public or commercial motor vehicle shall undergo a medical test and a special driving test.

(2) The licensing authority may, in his discretion, exempt any applicant for the renewal of a driver's licence from the medical or driving tests, or both.

**51.** Unless suspended by a court or surrendered -

(a) a driving licence issued for 12 months remains in force for one year beginning on the date of commencement stated on it;

(b) a driving licence issued for 60 months remains in force for 5 years beginning on the date of commencement stated on it.

**52.** (1) Licences to drive motor vehicles shall be issued separately in respect of private vehicles, motor cycles, public vehicles, (other than taxis), commercial vehicles, omnibuses, tractors, rollers and mobile cranes:

Provided that a licence to drive a private vehicle shall entitle the holder thereof to drive a commercial vehicle the carrying capacity of which does not exceed 1000 kilograms.

(2) No person shall drive any public vehicle (other than a taxi) unless his licence is endorsed with permission to do so by the licensing authority.

**53.** (1) A driving instructor who accompanies a learner in a motor vehicle for the purpose of teaching the learner to drive the vehicle-

(a) shall be responsible for the due observance of all regulations set out herein;

(b) shall not permit the vehicle to be driven on any road unless he is satisfied that the learner can adequately control the vehicle;

(c) shall not permit the vehicle to be driven between the hours 0700-0830 and 1600-1700 on any day from Monday to Friday, such day not being a public holiday, on any road within the limits of the town of Victoria and on any road extending from the town of Victoria up to-

(i) Beau Vallon Police Station;

(ii) Cascade Police Station;

- (iii) Anse Etoile Police Station;
- (iv) La Misere School;
- (v) Sans Soucis Forestry Office;
- (d) shall ensure that the driving instructions are given in such a manner as to cause the least obstruction, as is necessary in the circumstances, to other users of vehicles on the road;
- (e) shall ensure that the vehicle is covered by a policy of insurance which authorise driving by a learner;
- (f) shall ensure that whilst a learner is receiving instructions in driving no passengers other than the driving instructor shall be carried in the vehicle except for a specific and valid purpose directly concerned with the practice of driving instructions.

(2) No person shall display on a motor vehicle a plate or card as described in regulation 38(1)(c) in the manner specified in that regulation unless the vehicle is used, on the occasion on which the plate or card is displayed, for the purpose of teaching a learner to drive the vehicle.

(3) In this regulation "learner" means a holder of a learner's permit granted under regulation 38.

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## PART VII

### *Identification Marks*

**54.** The registered number and mark to be affixed to vehicles under the provisions of the Act shall be as follows-

- (a) In the case of carts and carriages the mark shall be letter "A".
- (b) In the case of bicycles and tricycles, the 1976. mark shall be numbers only.
- (c) In the case of motor vehicles, trailers and semi-trailers the mark shall be the letter "S".
- (d) In the case of vehicles owned by the Government of Seychelles other than those specified in paragraph (e) hereto, the mark shall be the letters "GS".
- (e) In the case of vehicles used by the President in connection with his official functions there shall be affixed the Armorial Bearings of Seychelles.
- (f) In the case of vehicles other than motor cycles used by members of Diplomatic Missions or Consular Posts or United Nation Missions or by delegates of the Commissioner of European Communities in connection with their official function there shall be affixed in addition to the mark stipulated in paragraph (c)

hereof the letters "CD" or "CC" or "UN" or "EEC" respectively above or alongside the registered number.

- (g) In the case of vehicles covered by sub-regulation (c) and (d) such other mark in addition to the letters "S" or "GS" as the Licensing Authority may assign to the vehicle on registration.

**55.** Carts and carriages shall bear the registered mark and number legibly painted upon the off side of the vehicle, so placed as to be clearly visible in all circumstances, the mark and number to be not less than 5cm in height.

**56.** (1) The Licensing Authority shall in granting a licence for a bicycles or bicycle or tricycle under the Licences (Road Transport) Regulations issued to its registered owner a special disc or label on which is printed the registered number or mark for the current year in conformity with regulation 54.

(2) The disc or label issued under subregulation (1) shall be conspicuously and secured affixed to the front of the bicycle or tricycle by its registered owner.

(3) When the licensing authority is satisfied that a disc or label issued under subregulation (1) has been lost or defaced, the licensing authority shall issue a new disc or label on payment of the fee prescribed for a duplicate licence for a bicycle or tricycle under the Licences (Road Transport) Regulations and on such issue, the registered number or mark printed on the previous disc or label shall be cancelled and replaced by the new number on the disc or label issued under this subregulation..

(4) The licence issued in respect of a bicycle or tricycle shall be produced by its rider to any police officer in uniform or demand.

**57.** In the case of motor bicycles the front plate shall be fitted in a horizontal position along the top of the front mud-guard, and the rear plate to the back of the rear mudguard. The registration mark plate and number shall not be less than 5cm in height and clearly painted upon both sides of the front and on the side of the back plate facing towards the rear. The background of the plate shall be black and the mark and figures white.

**58.** (1) In the case of all other motor vehicles, there shall be affixed front and rear plates, the front plate to be attached to the cross bar in front of the bonnet which connects the mud-guards, the rear plate to the attachment provided under the rear light, or beside it. If no cross bar is fitted to the vehicle the front plate may be attached to the bumpers or to the frame of the vehicle below the front of the bonnet. In no case shall the mark and figures be less than 7.5 centimetres high, 1.25cm broad with a space of 1.25 centimetres between adjoining letters and figures and a space of 1.25 centimetres between the edge of the number plate and any letter or figure.

- (2) (a) In the case of public vehicles and commercial vehicles the mark and number shall be in black on white background;
- (b) In the case of private vehicles the mark and number shall be in white on a black background;
- (c) In the case of the vehicles used by the President in connection with his official functions there shall be affixed the Armorial Bearings of

Seychelles as described in section 2(4) of the National Flag and Armorial Bearings Act;

- (d) In the case of vehicles other than motor cycles used by members of Diplomatic Missions or Consular Posts in connection with their official functions, the mark shall be in black on a yellow background;
  - (e) In the case of vehicles other than motor cycles used by members of the United Nations Missions or delegates of the Commission of European Communities in connection with their official functions, the mark shall be in white on a green background;
  - (f) In the case of vehicles owned by parastatal corporation the marks shall subject to subsection (4) be in white on a red background.
- (3) For the purposes of subregulation 2(f) -

"parastatal corporate" means a body corporate established by, or established or incorporated under, a written law-

- (a) which is wholly owned by the Government;
- (b) of which the Government is the beneficial owner of all the issued share capital, or
- (c) which is wholly under the control of the Government.

(4) The Minister may for any reason which he may deem fit, exempt a vehicle owned by a parastatal corporation from the requirement of subregulation 2(f) in which case subregulation 2(a) or (b) as the case may be shall apply to the vehicle so exempted.

**59.** Number plates shall be kept clean and clearly visible.

**60.** In the case of trailers the registered number shall be painted white on a black background, not less than 5cm in height, and at a conspicuous place at the rear of the trailer.

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## PART 8

### *Application of International Convention*

**61.** In this Part of these regulations, "convention" means any international convention relative to motor traffic, which the Government has ratified and which has been extended to Seychelles.

**62.** A motor vehicle imported by a tourist as defined in the convention in regard to which there exists a valid and subsisting international certificate issued by a competent authority in any country or territory outside Seychelles to which the convention applies, when used on any road in Seychelles, shall not be required to be licensed or registered provided that the said vehicle carries, in addition to any identification marks required in the country in which the international certificates was issued, the distinguishing mark provided by the convention.

**63.** Notwithstanding the definition of the word "tourist" in the convention, the provisions of regulation 62 shall be extended to any person who satisfies the licensing authority that he is a bona fide tourist for a period not exceeding the period during which the relative international document shall be in force or twelve months whichever is the less.

**64.** (1) An application for an international vehicle certificate or an international driving permit shall be made to the licensing authority under the Licences Act.

(2) A vehicle in respect of which an international vehicle certificate has been granted shall carry a distinctive plate which shall be oval in shape and approximately 30 centimetres in width and 18 centimetres in height with letters "sy" in capital Roman characters displayed there on and painted in black on a white background; each letter shall measure at least 10 centimetres in height, the breadth of each line of the letters being at least 15 millimetres:

Provided that in the case of a motor cycle the plate shall be 18 centimetres in width and 12 centimetres in height, the breadth of each line of the letter being at least 10 millimetres.

## PART 9

### *Rules of the Road*

**65.** Every person driving or in charge of any vehicle when on any road shall promptly obey all directions and signals given by or under the direction of any police officer in uniform.

**66.** The rule for all kinds of traffic is "keep to the left":

Provided that vehicles may take the centre of the road except-

- (a) when approaching traffic coming from the opposite direction;
- (b) when about to be overtaken by another vehicle;
- (c) at a corner or sharp bend in the road, where they must slow down and bear to the left.

**67.** (1) A vehicle shall not endeavour to pass another vehicle unless the driver can see that the road beyond the vehicle is clear, that is to say that no vehicle from the opposite direction is about to pass the other vehicle.

(2) A vehicle be overtaken on its right, and before drawing out to the right in order to pass any vehicle a driver shall extend his arm outwards to the right or give an appropriate signal by means of a mechanical appliance so as give a visible signal to others who may be following.

**68.** On turning to the left a driver shall make as sharp a turn as possible.

**69.** Before turning to the right the driver shall extend his arm outwards to the right, or give an appropriate signal by means of a mechanical appliance, so that it may be seen by those following. In the case of a left-hand controlled vehicle the signal shall be given by a mechanical appliance. On receipt of either signal other drivers shall hold back until the turn has been completed.

**70.** The "left turn" shall be signalled by extending the right arm and rotating it from the shoulder in an anticlockwise direction, or giving an appropriate signal by means of a mechanical appliance, so that it may be seen by those following.

**71.** When the driver of a vehicle proceeding in front of another vehicle intends to slow down, or stop, he shall extend his arm palm downwards and move the arm slowly up and down. The signal shall be given in the case of a vehicle with right-hand control with the right arm and in the case of a vehicle with left-hand control with the left arm.

**72.** When there is a policeman on duty at cross roads all signals shall be given to him, and no driver shall turn or cross the road until the policeman has signalled permission for him to do so.

**73.** Drivers of all vehicles descending a hill shall give way to traffic ascending it:

Provided that when two vehicles meet on a road of insufficient width to allow of passing, the vehicle on the down grade shall give way to the vehicle on the up grade. In the case of motor vehicles, the vehicle on the down grade shall proceed backwards until a passing place is reached.

**74.** (1) (a) Subject to subregulation (2), no person riding a bicycle not being a tandem, or riding a tricycle on a road in Mahe shall carry any other person thereon.

(b) Cyclists shall not proceed abreast on a road.

(c) No person shall ride a bicycle, tricycle or motor-cycle on a pavement or on the side walk of any road.

(2) (a) Not more than two persons shall ride on a motor-cycle on a road.

(b) No person shall ride on a motor-cycle on a road except sitting on the seat provided for the driver or the pillion passenger, as the case may be.

(c) No person shall ride a motor-cycle on a road without wearing a crash helmet of a type or make approved by the Commissioner of Police.

(d) Children of less than 10 years shall not be carried as passengers on motor-cycles.

(e) In this regulation "motor-cycle" means a bicycle propelled by mechanical power.

(3) An owner of a bicycle or tricycle shall not cause or permit any bicycle or tricycle to be used on any road unless it is licensed and insured in accordance with the Licences (Road Transport) Regulations.

(4) No person shall ride a bicycle or tricycle on a road negligently or 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, conditions 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.

(5) No person shall use or cause or permit the use of a bicycle in contravention of any restriction or prohibition imposed under these Regulations.

(6) A person who causes the death of another person by the riding of a bicycle or tricycle 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, is guilty of an offence.

**74A** (1) Subject to paragraph (2) every passenger occupying a seat of a motor car equipped with a seat belt adapted for use of the passenger in the car shall, when the car is in motion on a road, wear the seat belt.

(2) Paragraph (1) shall not apply to a passenger who holds-

- (a) a valid certificate issued by a medical practitioner that it is inadvisable on medical grounds for the passenger to wear a seat belt whilst travelling in a motor car; or
- (b) a valid certificate to such effect issued by the authority having power to issue such certificate under the law of a country, other than Seychelles, of which the passenger is a citizen.

(3) A driver of a motor car shall be responsible for the observance of paragraph (1) by any other passenger in the motor car driven by him.

(4) In this regulation -

"motor car" means a motor vehicle, not being a motor bicycle, constructed solely for the carriage of persons and their effects and adapted to carry not more than 5 persons exclusive of the driver;

"passenger" includes the driver of the motor car;

"seat" means any part of the motor car designed for the accommodation of a passenger;

"seat belt" means a belt intended to be worn by a passenger in a motor car and designed to prevent or lessen injury to its wearer in the event of an accident to the motor car.

**75.** No vehicle shall be stopped within 9 metres of any corner, nor at a greater distance than 0.9 metres from the side of any road, nor in a condition or circumstances likely to be dangerous.

**76.** Subject to any speed limits imposed by the Road Transport commissioner under section 22 of the Act no person shall drive a motor vehicle -

- (i) on any road on the island of Mahe at a speed exceeding 80 kilometres per hour;
- (ii) on any road on the island of Praslin at a speed exceeding 65 kilometres per hour;
- (iii) on any road on the island of La Digue at a speed exceeding 25 kilometres per hour.

**76A.** Subject to any speed limits imposed by the Road Transport Commissioner under section 22 of the Act, no person shall drive a public service vehicle or a special purpose vehicle on any road on the island of Mahe or Praslin at a speed exceeding 50 kilometres per hour.

*General*

**77.** The fees set out in the Schedule hereto are hereby prescribed for the purposes of the Act.

**78.** Every driver of a public vehicle shall search his vehicle, immediately after the completion of every run, for any property accidentally left in it, and shall take the same within twenty-four hours (if not sooner claimed by the owner) to the nearest police station, and the officer in charge shall give a receipt for all property handed over.

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**79.** The Minister may give directions of a general nature to the Road Transport Commissioner relating to the standard and quality of equipment and parts prescribed under these Regulations for motor vehicles and the Road Transport Commissioner shall ensure that motor vehicles on all roads are fitted with equipment or parts of at least the quality and standard specified by the Minister.

**79A. (1)** The Victoria Vehicle Testing Station is, for the purpose of section 30 of the Act, the prescribed authority for the purpose of examining or testing devices or pieces designated of equipment for the purposes of this Act and of issuing garage certificate under the section for the purposes of this Act.

(2) The Road Transport Commissioner may from time to time designate a garage by notice in the Gazette and a daily news- paper for the purpose of inspecting and testing motor vehicles and issuing certificate certifying whether the motor vehicles conform with this Act.

(3) A certificate issued by a garage referred to in subregulation (2) shall for the purposes of this Act have the same effect as a certificate issued by the Victoria Vehicle Testing Station.

PART 11

*Offences*

**80.** Any a person who uses a vehicle or any article of its load or equipment, or who causes or permits a vehicle or such article to be used-

- (a) without the prescribed items of equipment, marks or other prescribed articles, or any one or more of them; or
- (b) in a condition or with any defect, either in the vehicle or in any thing carried by it, prohibited by these Regulations; or
- (c) which in any manner contravenes any of the prescribed dimensions, weights or design; or
- (d) in any manner which contravenes these Regulations; or
- (e) loaded with passengers, goods or other persons or things in any manner which contravenes these Regulations; or
- (f) without the vehicle and driver being duly and lawfully registered and licensed; or

- (g) in any manner which contravenes any condition in or endorsement on any licence; or
- (h) without every licence being carried in such manner as may be prescribed; or
- (i) without the vehicle having been approved in accordance with these Regulations; or
- (j) on any road prohibited for that vehicle by or virtue of any law; or
- (k) contrary to or without complying with the prescribed rules of the road, or any one or more of them,

shall be guilty of an offence.

**81.** This part of these regulations shall not be deemed to affect the generality of section 24 of the Act.

**82.** (1) The driver or the person in charge of a vehicle who allows or permits the vehicle to be on a road at night without such vehicle being lighted as prescribed in regulation 28 shall be guilty of an offence.

(2) For the purposes of this regulation, when a vehicle is standing or parked on a road-

- (a) the person who drove the vehicle before it became stationary; and
- (b) in cases where there was no driver or where the driver cannot be traced, the owner of the vehicle,

shall be deemed to be the person in charge of such vehicle.

**83.** Any person who makes any unnecessary noise with any vehicle or any item of its equipment shall be deemed guilty of an offence.

**84.** Any person who causes or permits offences.

- (a) the unnecessary discharge from a vehicle of steam, lubricating oil, or other products of combustion; or
- (b) the use of a vehicle without the brakes and steering apparatus being in good working order; or
- (c) a vehicle to be used with the driver in such a position that he cannot have control over the vehicle, or that he cannot obtain a full view of the road and the traffic ahead, or a vehicle to be quitted without due precaution against its being moved or started, or to stand on a road so as to cause unnecessary obstruction; or
- (d) without the permission of the Commissioner of Police, any person to sit on the right hand side of the driver on a right hand controlled motor vehicle, or more than one person on the left hand side of the driver (and on a left hand controlled motor vehicle, any person to sit on the left hand side of the driver, or more than one person on the right hand side of the driver); or

- (e) in the case of a motor-vehicle not being a motor-bicycle, any person to travel in any position other than within the vehicle; or
- (f) any motor vehicle to mount or to be driven or across any part of any footway, footpath or other way usually used pedestrian traffic only,

shall be deemed guilty of an offence.

**85.** Any person who contravenes or fails to comply with any of the provisions of regulations 19(1), 38(4) and 74 shall be guilty of an offence.

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SCHEDULE

PART I

***FEES FOR LEARNER'S PERMITS***

1. Learner's Permit for motor vehicles (for R.100.00 each permit issued)

PART II

***FEES FOR REGISTRATION OF VEHICLES***

1. Public motor vehicles and commercial vehicles R. 40.00
2. Private motor vehicles R. 20.00
3. Motor-cycles or motor cycles combinations R. 20.00
4. Other vehicles (except bicycles and tricycles). R. 20.00

PART III

***OTHER FEES***

1. Driving test R. 100.00
2. Inspection and testing fee-
  - (a) motor cycle with or without side car R 75.00
  - (b) motor vehicle (other than motor cycle, tractor, mobile crane, earth moving machinery and tracked motor vehicle) which is a passenger service) of payload capacity of-
    - (i) up to 3000 kg R. 150.00
    - (ii) over 3000 kg but not more than 5000 kg R.200.00

(iii) of more than 5000 kg	R.350.00
(c) motor vehicle which is used as a passenger service vehicle	R350.00
(d) tractor, mobile crane, earth moving machinery and tracked motor vehicle	R.350.00

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**THE ROAD TRANSPORT (CHANGE OF OWNERSHIP OF VEHICLES)  
REGULATIONS**

*[5th July, 1965]*

S.I. 40 of 1965  
S.I. 108 of 1973  
S.I. 70 of 1984  
S.I. 108 of 1973  
S.I. 70 of 1984.  
S.I. 41 of 1967.  
S.I. 61 of 1981.

1. These regulations may be cited as the Road Transport (Change of ownership of Vehicles) Regulations.
2. On the change of ownership of a vehicle the transferor and transferee shall both sign a form supplied by the licensing authority notifying the change of ownership to such authority.
3. In the case of motor vehicles such change of ownership shall be registered in a special register kept by the licensing authority for the purpose.
4. On the change of ownership of a motor vehicle a fee of Rupees 100 shall be paid by the transferee to the licensing authority.
5. The licensing authority shall not register the change of ownership of a motor vehicle if the fee in respect thereof has not been paid.
6. When a change of ownership has been notified to the licensing authority in accordance with regulation 2 such notification shall not operate the transfer of the motor vehicle to the transferee unless the fee has been paid and the change of ownership registered.

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**THE ROAD TRANSPORT (LIGHTING OF STANDING VEHICLES (EXEMPTION)  
REGULATIONS**

S.I. 41 of 1967  
S.I. 61 of 1981

*[10th July, 1967]*

1. These regulations may be cited as the Road Transport (Lighting of Standing Vehicles) (Exemption) Regulations.
2. (1) In these regulations unless the context otherwise requires-  
  
"one way street" means a road in which the driving of vehicles otherwise than in one direction is prohibited at all times;

"the required lights", in relation to a motor vehicle, means the lights showing to the front and the lights showing to the rear which, apart from these regulations, would be required to be shown by that vehicle by the Road Transport Regulations.

(2) For the purposes of these regulations the distance between any part of a motor vehicle and a street lamp shall be taken to be the distance between that part of the vehicle and the point on the ground vertically below the centre of the street lamp, measured by the shortest line lying wholly within the road.

**3.** (1) A motor vehicle shall when standing or parked at any place on the road, be exempted from showing the required lights if-

- (a) in the case of a road not being a one way street, the left or near side of the vehicle is as close as may be and is parallel to the edge of the carriageway and in the case of a road being a one way street, the left or near side of the vehicle is as close as may be and is parallel to the left-hand edge of the carriageway or the right or off side of the vehicle is as close as may be and is parallel to the right-hand edge of the carriageway;
- (b) no part of the vehicle is more than 9 metres from a street lamp;
- (c) the street lamp mentioned in subparagraph (b) is illuminated throughout the time during which the vehicle is standing or parked;

Provided that for the purpose of this subparagraph if, while the vehicle is standing or parked, the light shown by the lamp becomes accidentally extinguished, no account shall be taken of any time during which the light is so extinguished;

- (d) no part of the vehicle is within 9 metres from the junction of any part of the carriageway of any road with the carriageway of the road on which the vehicle is standing or parked, whether that junction is on the same side of the road as that upon which the vehicle is standing or parked or not.

(2) A motor vehicle shall, when standing or parked on any part of a road specially set aside as a parking place or stand for motor vehicles, be exempted from showing the required lights.

**4.** A motor vehicle shall, when standing or parked at any place on a road, be exempted from showing the required lights if-

- (a) the left or near side of the vehicle is as close as may be and is parallel to the edge of the carriageway;
- (b) no part of the vehicles is within 9 months from the junction of any part of the carriageway of any road with the carriageway of the road on which the vehicle is standing or parked, whether that junction is on the same side of the road as that on which the vehicle is standing or parked or not; and
- (c) The vehicle shows to the front a white light and to the rear a red light in accordance with the provisions of regulations 5 and 6.

**5.** The lights to be shown by a motor vehicle for the purpose of regulation 4 shall -

- (a) in the case of a bicycle propelled by mechanical power whether having a side car attached thereto or not, be displayed by a parking lamp in accordance with regulation 6 of these regulations;
- (b) in the case of a motor vehicle which, apart from these regulations, would be required by the Road Transport Regulations to carry two lamps each showing to the front a white light and two lamps each showing to the rear a red light, be displayed-
  - (i) by a parking lamp in accordance with regulation 6 of these regulations; or
  - (ii) by that one of those lamps showing to the front a white light and by that one of those lamps showing to that rear a red light which are on the off side of the vehicle.

**6.** (1) Every parking lamp shall show a white light to the front and a red light to the rear.

(2) Every parking lamp shall, if circular, have an illuminated area to the front and an illuminated area to the rear of not less than 2.5 centimetres in diameter, or if not circular have an illuminated area to the front and an illuminated area to the rear of not less than an area of a circle of 2.5cm in diameter.

(3) Every parking lamp shall be so fixed to the vehicle that -

- (a) it is on the off side of the vehicle;
- (b) no part of the vehicle or its equipment (other than a driving mirror or direction indicator), when the vehicle is standing or parked, extends laterally on the off side more than 0.3 metres from the centre of either illuminated area of the lamp;
- (c) no part of either illuminated area of the lamp is less than 0.4 metres nor more than 1.8 metres from the ground;
- (d) the white light is clearly visible from the front to an observer at any point on an arc extending 90 degrees from the longitudinal axis of the vehicle to the off side thereof;
- (e) the red light is clearly visible from the rear to an observer at any point on an arc extending 90 degrees from the longitudinal axis of the vehicle to the off side thereof.

(4) In sub-paragraphs (d) and (e) of subregulation (3), the expression "observer" means a person at a point 9 metres distant from the lamp whose eye level is not less than 1.05 metres nor more than 2.75 metres above the plane on which the vehicle is standing or parked.

**7.** Nothing in these regulations shall be taken to authorise any person to cause or permit a vehicle which is exempted by these regulations from showing the required lights to stand or be parked on a road in any place or for any period in or for which it would be unlawful for the vehicle to stand or be parked.

## THE ROAD TRANSPORT (BUS STOPS) REGULATIONS

[10th July, 1967]

S.I. 42 of 1967  
S.I. 90 of 1968  
S.I. 64 of 1970  
S.I. 95 of 1975.  
S.I. 104 of 1975.

1. These regulations may be cited as the Road Transport (Bus Stops) Regulations.

2. In these regulations unless the context otherwise requires -

"bus stop" means a place on the road designated as provided in regulation 3 where omnibuses may stop for the purpose of allowing persons to board them or to alight therefrom;

"omnibus" means a public vehicle authorised to carry more than five passengers for separate fares;

"Victoria" means the Town of Victoria as defined in the First Schedule to the Town of Victoria (Boundaries and Divisions Act).

3 (1) The Public Works Manager shall designate the places where omnibuses may stop on a road for the purpose of allowing persons to board them or to alight therefrom, by means of signs bearing the words "BUS STOP" which shall be erected on or near the road.

(2) "Bus Stop" signs which were erected before the coming into force of these regulations shall be deemed to have been erected under the authority of this regulation.

(3) All "Bus Stop" signs shall be deemed to have been lawfully erected until the contrary be proved.

4 (1) No driver of any omnibus shall stop such omnibus on a road for the purpose of taking up or setting down passengers except at a bus stop.

(2) No person shall take hold of, board, enter, climb on or alight from any omnibus except when such omnibus is stationary at a parking place designated for omnibuses or at a bus stop.

(3) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall be liable to the penalties prescribed under section 24(2) of the Road Transport Act.

5. Regulation 4 shall apply only to the following roads of regulation of Mahé--

(a) All the roads of Victoria;

(b) The main road linking Victoria, Beau Vallon, Glacis, Machabœ, Anse Etoile, Pointe Conan and Victoria, and the branch road ending at Bel Ombre;

(c) The main road linking Victoria, Cascade, Anse aux Pins and Anse Royale.

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## THE ROAD TRANSPORT (RECOGNITION OF FOREIGN DRIVING PERMITS) REGULATIONS

S.I. 49 of 1967  
S.I. 95 of 1975  
S.I. 72 of 1976  
S.I. 29 of 1983  
S.I. 95 of 1975  
S.I. 72 of 1976

[31st July, 1967]

1. These regulations may be cited as the Road Transport (Recognition of Foreign Driving Permits) Regulations.

2. (1) Subject to the provisions of regulation 4, a person to whom this regulation applies and who holds a driving permit issued by the United States or a subdivision thereof may drive, and be employed in driving, in Seychelles a motor vehicle of any class or description which he is authorised by that permit to drive notwithstanding that he is not the holder of a driving licence granted under section 12 of the

(2) This regulation shall apply to all members of the United States Forces and to United States contractor personnel and their dependants.

(3) In this regulation -

- (a) "contractor personnel" means employees of a United States contractor who are not ordinarily resident in Seychelles and who are there solely for the purposes of the Agreement;
- (b) "dependants" means the spouse and children under 21 years of age of a person in relation to whom the expression is used; and, if they are dependent upon him for their support, the parents and children over 21 years of age of that person;
- (c) "members of the United States Forces" means -
  - (i) military members of the United States Forces on active duty;
  - (ii) civilian personnel accompanying the U.S. Forces and in their employ who are not ordinarily resident in Seychelles and who are there solely for the purposes of the Agreement;
  - (iii) dependants of the persons described in sub-paragraphs (i) and (ii) above;
- (d) "the Agreement" means the Exchange of Notes of 30 December, 1966, constituting an Agreement between the Governments of the United Kingdom and the United States concerning the United States Tracking and Telemetry Facility in the island of Mahé in Seychelles;
- (e) "United States authorities" means the authority or authorities designated as such by the United States Government for the purposes of this regulation;
- (f) "United States contractor" means any person, body or corporation ordinarily resident in the United States of America, that, by virtue of a contract with the United States Government, is in Seychelles for the purposes of the Agreement and includes a sub-contractor who is designated as such by United States authorities in consultation with the Minister and whose operations in Seychelles are confined solely to performing work for the purposes of the Agreement;

- (g) "United States Forces" means the land, sea and air armed services of the United States, including the Coast Guard.

3 (1) Subject to the provisions of regulation 4, a person resident outside Seychelles who holds -

- (a) a convention driving permit, or  
(b) a domestic driving permit issued in a country outside Seychelles,

during a period of three months from the date of his last entry into Seychelles may drive, and be employed in driving, in Seychelles a motor vehicle of any class or description which he is authorised by that permit to drive, notwithstanding that he is not the holder of a driving licence granted under section 12 of the Act.

(2) In this regulation -

"convention driving permit" means a driving permit in the form of international driving permits under the convention of 1949 issued under the authority of a country outside Seychelles, whether or not that country is a party to the convention of 1949, or a driving permit in the form of international driving permits under the convention of 1926 issued under the authority of a country outside Seychelles which is a party to the convention of 1926 but not to the convention of 1949.

"domestic driving permit" in relation to a country outside Seychelles means a document issued under the law of that country and authorising the holder to drive motor vehicles, or a specified class or description of motor vehicles in that country;

"the convention of 1926" means the International Convention relative to Motor Traffic concluded at Paris in the year 1926;

"the convention of 1949" means the International Convention on Road Traffic concluded at Geneva in the year 1949.

4 (1) Regulations 2 and 3 shall not authorise a person to drive a motor vehicle of any class or description, if, in consequence of the order of a court, his driving permit is suspended or he is declared to be disqualified from obtaining a driving licence.

(2) The provisions of regulations 2 and 3 which authorise the holder of a permit to drive a vehicle shall not be construed as authorising the driving of a vehicle at a time when the permit has ceased to be valid.

(3) Regulations 2 and 3 shall be without prejudice to section 12(3) of the Act which imposes age limits on young persons driving motor vehicles.

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**THE ROAD TRANSPORT (CONTROL OF MOVEMENT OF PEDESTRIANS ON  
ROADS) REGULATIONS**

S.I. 63 of 1970  
S.I. 67 of 1970

*[6th July, 1970]*

1. These regulations may be cited as the Control of Movement of Pedestrians on Roads Regulations.

2. In these regulations -

"bus" means a public vehicle authorised to carry more than five passengers for separate fares;

"crossing" means a pedestrian crossing established on any road in accordance with the provisions of section 23 of the Road Transport Act;

"procession" means -

- (a) a parade or march of any of the armed forces of the Republic, of the police or of any recognised corps as defined in section 2 of the Public Order Act.
- (b) a marriage or funeral procession;
- (c) a public procession taking place under a permit issued by the Commissioner of Police under section 3 of the Public Order Act;

"road accident" means an accident on a road involving a pedestrian or one or more vehicles.

3 (1) No person shall walk along the road where there is a pavement, foot-path or side walk along such road which may be used by that person for walking.

(2) This regulation shall not apply to persons walking along a road in a procession.

4. Where there is no pavement, foot-path or side walk along a road, no pedestrian shall walk along the road abreast of two or more other persons.

5. A pedestrian on a road shall not -

- (a) wilfully cause unreasonable obstruction to vehicular traffic; or
- (b) act or walk negligently, or in such a way that a road accident is caused or is likely to be caused thereby.

6. No person shall walk or be on the road on the offside of a bus whether for the purpose of paying a passenger's fare to the driver of the bus or for any other purpose.

7. Any person who contravenes or fails to comply with any of the provisions of regulation 3, 4, 5 and 6 is guilty of an offence and is liable to the penalties provided under section 24(2) of the Road Transport Act.

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**THE ROAD TRANSPORT (SELF-DRIVE HIRE VEHICLES) REGULATIONS**

*[1st March, 1973]*

S.I. 11 of 1973  
S.I. 53 of 1974  
S.I. 51 of 1975.  
S.I. 95 of 1975  
S.I. 35 of 1978  
S.I. 51 of 1979  
S.I. 40 of 1987  
S.I. 105 of 1995

## ARRANGEMENT OF REGULATION

1. Citation
2. Interpretation.
3. Conditions for hiring out vehicles.
4. Offence.
5. Application for licence.
6. Issue of Licence.
7. Terms and conditions of licence.
8. Revocation of licence.
9. Appeal.
10. Expiry of licence.
11. Licence not transferable.
12. Refund of licence fee.
13. Application for identification plate.
14. Authority may assign identification plates.
15. Identification plate to be affixed to vehicle.
16. Validity of identification plate.
17. Surrender of identification plate.
18. Replacement of identification plate.
19. Offences.

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1. These regulations may be cited as the Road Transport (Self-Drive Hire Vehicles) Regulations.

2. In these regulations, unless the context otherwise requires -

"hiring agreement" means an agreement, whether the same be in or evidenced by writing or not, express or implied, for the hire of self-drive vehicle;

"licensee" means a person to whom a licence has been issued pursuant to regulation 6;

"motor vehicle" means a vehicle propelled by any form of mechanical power and includes a motor car, a motor bicycle with or without a side car or trailer attached, a motor tricycle and a bicycle assisted by an engine but does not include a tractor, a mobile crane, or a tracked motor vehicle;

"Authority" means the Licensing Authority established by section 3 of the Licences Act;

"identification plate" means a plate assigned to a self-drive hire vehicle under the provisions of Regulation 14;

"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 a person authorised by the hirer.

**3.** No person shall hire out or cause or permit to be hiring hired out a self-drive hire vehicle unless-

- (a) he is in possession of a valid self-drive hire vehicle licence;
- (b) he has satisfied himself that every person to whom he hires out a self-drive hire vehicle is -
  - (i) the holder of a valid Seychelles driving licence, or
  - (ii) if he is not the holder of a valid Seychelles driving licence, that he is the holder of a valid driving licence or valid driving permit within the meaning of the Road Transport (Recognition of Foreign Driving Permits) Regulations;
- (c) he has furnished the person taking out on hire a self-drive hire vehicle with a signed and dated certificate to the effect that he has so satisfied himself under paragraph (b) of this regulation;
- (d) every such self-drive hire vehicle is insured within the meaning of the Motor Vehicles Insurance (Third Party Risks) Act.
- (e) self-drive hire vehicle has been assigned an identification plate;
- (f) the identification place is displayed in accordance with regulation 15.

**4.** Any person who hires out or causes or permits to be hired out a self-drive hire vehicle in contravention of regulation 3 shall commit an offence and shall be liable on conviction to be punished as provided for under section 24(2) of the Act.

**5.** An application for a self-drive hire vehicle licence shall be made to the Authority in the Form and the manner provided under the Licences Act.

**6.** The Authority, upon receipt of an application for a self-drive hire vehicle, may issue or refuse to issue a licence under the Licences Act.

**7** (1) The Authority when issuing a licence pursuant to regulation 6 may, in its discretion, issue the same subject to such terms and conditions as to the Authority may seem desirable.

(2) Without prejudice to the generality of the discretion given to the Authority by subregulation (1) such terms and conditions may relate to any or all of the following matters;

- (a) the maximum number, age and type of motor vehicles as determined by the Road Transport Commissioner which the licensee may own or operate and subject to the preceding provisions of this paragraph the minimum number of motor vehicles as determined by the Commissioner which the licensee shall operation within six weeks of the issue of the licence;
- (b) the type of insurance and the extent of the insurance cover which the licensee shall keep in force in relation to his self-drive hire vehicles;
- (c) the documentary evidence which the licensee shall keep in respect of self-drive hire vehicles owned or operated by him;
- (d) the documentary evidence which the licensee shall keep in respect of self-drive hire vehicles actually hired out by him;
- (e) the availability for inspection by the Authority or by its authorised agents during normal office hours of such documentary evidence, and of insurance policies, insurance certificate and other documents, books and registers relating to the licensees hiring of self-drive hire vehicles;
- (f) the making of application for identification plates in accordance with the provisions of regulation 13.

(3) A licensee shall -

- (a) operate the self-drive hire vehicle trade in a premises approved by the Authority;
- (b) provide a telephone in the premises and maintain a 24 hour call-out service;
- (c) keep the premises open and adequately staffed from 8.00 am to 4.00 pm on each day, other than a public holiday, from Monday to Friday and from 8.00 am to 12 noon on Saturday, Sunday and on any other public holiday;
- (d) furnish the Authority the name of the person managing the trade;
- (e) furnish the Authority the name and address of the garage or the person at which or by whom the self- drive hire vehicles are serviced;
- (f) maintain the self-drive hire vehicles in good condition and keep a maintenance record of the vehicles;
- (g) be courteous to persons availing the services of the licensee and ensure that the employees of the licensee do likewise;
- (h) enter into a written hiring agreement with a person taking out on hire a self-drive hire vehicle from the licensee and furnish a copy of the agreement to such person;

- (i) ensure that the written hiring agreement referred to in paragraph (h) contains the number of the telephone provided under paragraph (b);
- (j) ensure that the self-drive hire vehicles are licensed and insured;
- (k) ensure that each employee of the licensee carries, while discharging the functions of the employee, an identification badge containing the name of the employee and that of the licensee;
- (l) not have or where the licensee is a company, any of its directors or shareholders shall not have, any share or interest in any other self-drive hire vehicle trade.

(4) The Minister may impose a limit on the number of licenses issued under regulation 6.

(5) The Authority may with the consent of the licensee vary the terms and conditions subject to which a licence has been issued pursuant to these Regulations..

**8.** The Authority may revoke any licence issued pursuant to regulation 6 at any time if the Authority is satisfied that any term or condition subject to which such licence has been issued is not being observed or if the licensee has been convicted of an offence under the Act or under any regulations made thereunder, in relation to any self-drive hire vehicle owned or operated by him.

**9.** A person aggrieved by a decision of the Authority may appeal against the decision in the manner and within the time provided under the Licences Act, and a decision on appeal shall be final.

**10.** A license issued by the Authority pursuant to regulation 6 shall expire at the end of the period for which it is issued.

**11.** A licence issued to an applicant pursuant to regulation 6 shall not be transferable.

**12.** Where an application for a licence is refused the Authority shall refund the licence fee to the applicant.

**13** (1) Every licensee shall apply to the Authority for an identification plate in respect of each vehicle he proposes to hire out as a self-drive hire vehicle.

(2) A Licensee making an application under sub-regulation (1) of this regulation shall produce to the Authority his self-drive hire vehicle licence.

**14** (1) Every vehicle in respect of which an identification plate is applied for shall be produced at such place and on such date as may be fixed by the Authority and the vehicle may be inspected and tested by a police officer or such person as the Authority may depute.

(2) The Authority may assign to a vehicle an identification plate of the dimensions and form set out in the Schedule provided that such plate shall remain the property of the Government of Seychelles.

(3) The Authority may refuse to assign an identification plate to a vehicle if-

- (a) the Authority is not satisfied that it is in all respects roadworthy; or

- (b) the Authority has determined that the type of vehicle is unsuitable for use as a self-drive hire vehicle.

**15** (1) An identification plate which has been assigned to a vehicle by the Authority shall be fixed to the rear of the vehicle in such a manner that it is clearly visible and such plate shall be kept clean.

(2) An identification plate shall not be affixed to any motor vehicle other than the one to which it has been assigned under regulation 14.

**16** (1) Subject to sub-regulations (2) and (5) an identification plate shall be valid for the period covered by the licence of the holder of the self-drive hire vehicle.

(2) If the Authority considers that a vehicle to which an identification plate has been assigned is -

- (a) no longer suitable for use as a self-drive hire vehicle; or
- (b) no longer road worthy,

the Authority may issue to the licensee, driver or person in charge of the vehicle a notice suspending the validity of the identification plate until the defects specified in the notice have been remedied.

(3) Any suspension under sub-regulation (2) of this regulation shall be subject to an appeal in accordance with the Licences Act.

(4) Neither the person who has been served with a notice under sub-regulation (3) nor the licensee shall use or permit the use of such vehicle as a self-drive hire vehicle until the notice has been withdrawn by the Authority.

(5) An identification plate shall cease to be valid in the event of the licensee's licence to hire out self-drive hire vehicles being revoked.

**17.** An identification plate shall be surrendered to the Authority if -

- (a) the licence issued under regulation 6 is revoked; or
- (b) a notice not to use has been issued under sub-regulation (2) of regulation 16; or
- (c) the vehicle to which it has been assigned has been involved in an accident causing damage to the said vehicle; or
- (d) the vehicle to which it has been assigned is no longer to be used as a self-drive hire vehicle or is to be exported from Seychelles.

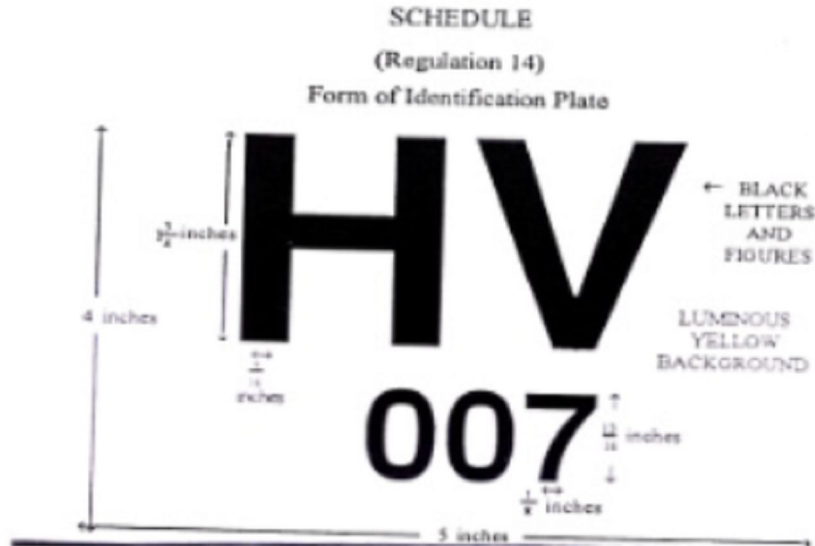
**18.** The Authority may on payment of the appropriate fee issue a replacement identification plate on being satisfied that the original identification plate issued to the licensee is lost or damaged.

**19.** Any person who-

- (a) unlawfully makes, sells or has in his possession a plate resembling an identification plate;
- (b) uses or permits a vehicle to be used with an altered or defaced identification plate;
- (c) contravenes the provisions of regulations 15, 16 or 17,

shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding Rs.1,000 or to both such fine and imprisonment.

### SCHEDULE



### Road Transport (Omnibus Fares) Regulations

[1st January, 1995]

S.I. 29 of 1994  
S.I. 92 of 1994  
S.I. 80 of 1997  
S.I. 8 of 2008  
S.I. 45 of 2009

1. These Regulations may be cited as the Road Transport (Omnibus Fares) Regulations.
2. (1) In these Regulations -  
"day-time service" means daily scheduled service other than night-time service;

"journey" means a single journey in an omnibus;

"night-time service" means daily scheduled service starting from 8 p.m and ending at 11 p.m on the same day;

"omnibus" means a public omnibus in terms of section 2 of the Act;

"pensioner" means a person who is of or above the retirement age under the Social Security Act;

"scale of fares" means the scales of fares referred to in regulation 3;

"scheduled service" means day-time service or night- time service;

"school" means a school established or registered under the Education Act and includes the National Youth Service established under the National Youth Service Act and the Seychelles Polytechnic.

(2) Where a journey extends over 2 daily scheduled services, the time when the journey begins shall determine whether the fare for the day time service or that for the night service shall apply.

**3.** (1) The fares chargeable for each passenger carried in an omnibus shall be as set out in the scale of fares in the Schedule.

(2) The scale of fares shall be displayed on an omnibus used to carry passengers and shall be clearly visible to and readily legible by a passenger travelling on the omnibus.

(3) An owner, driver or conductor of an omnibus shall not charge a passenger travelling on the omnibus a fare exceeding the appropriate fare set out in the scale of fares.

(4) A person who contravenes this regulation is guilty of an offence and liable to a fine of R.1,000 and to imprisonment for 2 years.

**4.** From and after 1st January 1998, a pensioner, carrying a for pensioners document of identification approved by the Ministry of Tourism and Transport, shall be permitted to travel free of charge on the Schedule Services referred to in Part A of the Schedule.

**5.** The road Transport (Omnibus Fares) Regulations, 1973 are hereby repealed.

**6.** From and after 1<sup>st</sup> January 1998, a pensioner, carrying a document of identification approved by the Ministry of Tourism and Transport, shall be permitted to travel free of charge on the Scheduled Services referred to in Part A of the Schedule.

## SCHEDULE

### SCALES OF FARES

#### PART A

### SCHEDULED SERVICES

### **Day-Time Services**

1. The fares for each journey per passenger, other than a student in uniform travelling to or from the school R7.00
2. The fare for each journey per student in uniform travelling to or from the school R2.00

### **Night-Time Services**

The fare for each journey per passenger R10.00

### **PART B**

### **CONTRACT SERVICES**

Rates fixed by the Parties to the Contract.

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**Note:** Pages 86, 87 and 88 are deleted from Cap. 206. (Subsidiary Legislation).

# THE ROAD TRANSPORT (PUBLIC SERVICE VEHICLES) REGULATIONS

S.I. 113 of 1977  
S.I. 58 of 1986

*[29th December, 1977]*

## ARRANGEMENT OF REGULATIONS

1. Citation.

### PART I - GENERAL

2. Interpretation.

### PART II - CONSTRUCTION & EQUIPMENT

3. Seating capacity.
4. Carriage of luggage and goods.
5. Notice boards.
6. Public service vehicles to be in good order.
7. Notice of authorised fares.

### PART III - DRIVERS AND CONDUCTORS

8. Conductor.
9. General conduct.
10. Conduct of conductor.
11. Conduct of driver.
12. Uniform.

### PART IV - CONDUCT OF PASSENGERS

13. General.
14. Tickets.
15. Drivers of public service vehicles - restriction on supply and consumption of liquor.
16. Penalty.

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1. These Regulations may be cited as the Road Transport (Public Service Vehicles) regulations.

## PART I - GENERAL

### 2. In these Regulations -

"Goods" means any package or item which is not luggage;

"luggage" means a container or a number of packages which can be safely and conveniently carried by a passenger and which does not encroach on the seating space of another passenger or obstruct any gangway or otherwise cause inconvenience or discomfort to any other passenger;

"passenger" does not include a driver or conductor;

"operator" means the person to whom an operator's licence has been granted;

"public service vehicle" means a public or private omnibus.

## PART II - CONSTRUCTION & EQUIPMENT

**3** (1) In every public service vehicle there shall be provided for each passenger seating space of not less than fifteen inches square measured along and at right angles to the front of each seat.

(2) Every licence to keep a public service vehicle shall stipulate the authorised passenger seating capacity.

(3) No person shall use or cause or permit to be used on a road any public service vehicle in which the number of passengers exceeds the seating capacity stipulated in the licence.

(4) For the purpose of this regulation -

(a) a child apparently under five years of age and not occupying a seat shall not be counted as a passenger; and

(b) three children apparently over five years of age and under ten years of age shall be counted as two passengers.

**4** (1) A passenger may carry inside a public service vehicle luggage and luggage belonging to such passenger.

(2) Luggage which cannot be safely or conveniently carried inside the vehicle, and goods, shall only be carried in a separate compartment or, if a guard rail is provided, on the roof of the vehicle.

(3) A vehicle described by the manufacturer as a commercial or goods vehicle but which has been adapted as, or altered to or otherwise changed into a public service vehicle shall when carrying goods as well as passengers be equipped with a fixed barrier of a type approved by the Commissioner of Police and such goods shall be carried forward of the barrier.

(4) In any public service vehicle no person shall sit or be permitted to sit on any goods or luggage.

**5** (1) There shall be affixed to the outside of every public service vehicle a notice stating that it is a public service vehicle and the number of passengers which it is licensed to carry. The figures and letters shall conform with such measurements as may be required by the Transport Commissioner.

(2) There shall be affixed to the outside of every public omnibus used for the conveyance of passengers for separate fares a notice of such design and construction as shall have been previously approved by the Transport Commissioner, showing the route and destination.

(3) There shall be exhibited internally in every public service vehicle a notice saying that spitting in such vehicle is an offence.

**6.** All doors, windscreens, seats, handles, hinges, service catches, springs, wheels, cushions, linings, trimmings and vehicles other fittings and all furniture and appointments of public to be in service vehicles shall be maintained in good order and good repair.

**7** (1) No person shall cause or permit any public omnibus authorised used for the conveyance of passengers for separate fares to be used on any road or to ply for hire unless there are permanently and legibly affixed, in such places and forms as the Transport Commissioner may require, notices showing the charges for carriage authorised by law.

(2) The Transport Commissioner may supply such notices, and may make such charge for each copy, not exceeding Rs. 1, as he may think fit, and the receipts from such charges shall be paid into general revenue.

### PART III - DRIVERS AND CONDUCTORS

**8** (1) A public omnibus, when passengers for separate fares are being carried by it, may carry a conductor licensed under regulation of the Road Transport Regulations for the purposes specified in these Regulations or any other written law..

(2) The conductor, when carried on a public omnibus under subregulation (1), shall, in addition to performing any other functions under these Regulation or any other written law -

- (a) in the case of passengers who are holders of bus passes-
  - (i) verify the validity or otherwise of the passes; and
  - (ii) in accordance with the conditions on which the passes were issued, cancel any entry on the passes or tear or punch any part of the passes;
  - (iii) in the case of passengers who are not holders of bus passes, collect the fares from the passengers.

**9.** A driver and a conductor of a public omnibus when acting as such -

- (a) shall behave in a civil and orderly manner;
- (b) shall be clean and tidy in his person;
- (c) shall not smoke in or on the vehicle during a journey or when it has passengers on board;

- (d) shall take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the vehicle;
- (e) shall, if requested by any police officer in uniform or any person authorized by the Licensing Authority, give particulars of his licence (if any), his name and the name and address of the operator by whom he is employed; and
- (f) shall not at any reasonable time, obstruct or neglect to give all reasonable information and assistance to, any person having authority to examine the vehicle.

**10.** A conductor of a public omnibus when acting as such -

- (a) shall not when the vehicle is in motion distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to give directions as to the starting, stopping or safe operation of the vehicle;
- (b) shall take such steps as he is able, whenever necessary, to enforce the provisions of these regulations relating to the conduct of passengers;
- (c) shall not unreasonably delay the vehicle on any journey;
- (d) shall ensure that, when the petrol or oil tank is being filled no passengers or intending passengers remain on the vehicle;
- (e) shall not permit to be on the vehicle at any time more passengers than the number which are permitted to be carried on the vehicle; and
- (f) shall not play or permit to be played on any musical instrument or gramophone or wireless set on the vehicle except with the permission of the Licensing Authority;
- (g) when a passenger on the vehicle gives adequate warning that he wished to alight at the next bus stop shall give to the driver such signal as will inform the driver that the vehicle should be stopped at such place;
- (h) shall not, except for sufficient reason, by failing to signal to the driver to start, cause the vehicle to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers except at a stand or place where the vehicle is permitted to stop for a longer time than is necessary for that purpose;
- (i) shall not neglect or refuse to admit and to carry at the lawful fare any passenger for whom there is room and to whose admission no reasonable objection is made;
- (j) shall permit any passenger to bring with him such goods as may lawfully, safely and conveniently be carried on the vehicle;
- (k) shall not permit any animal to be carried on the vehicle;
- (l) shall not permit any person who is in a dirty condition to enter in or to travel in the vehicle; and
- (m) may refuse to permit any person, whom he has reason to believe to be intoxicated, mentally unbalanced or suffering from an infectious or a contagious disease, to enter in or travel in the vehicle.

**11.** A driver of a public omnibus when acting as such -

- (a) shall not cause the vehicle to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers except at a stand or place where such vehicles are permitted to stop for a longer time than is necessary for that purpose;
- (b) shall duly drive the vehicle by the appointed route to the appointed destination, except when prevented from doing so by accident or other emergency;
- (c) shall stop his vehicle at every bus stop which bears an indication that all public omnibuses or all such vehicles travelling on the route on which his vehicle is travelling should stop there, to allow passengers to alight from or intending passengers to board the vehicle;
- (d) shall stop his vehicle, if signalled to do so at every bus stop which bears an indication that all public omnibuses or all such vehicles travelling on the route on which his vehicle is travelling should stop or if there requested to do so, to allow passengers to alight from or intending passengers to board the vehicle:

Provided that -

- (i) a driver shall be under no obligation to stop his vehicle in accordance with paragraph (c) or (d) for the purpose of picking up passengers, when his vehicle is full,
- (ii) a driver shall be under no obligation to stop his vehicle in accordance with paragraph (c) of (d), for the purpose of picking up or allowing passengers to alight from the vehicle, if his vehicle is authorised to proceed, from one or more points specified in advance to one or more common destinations, without stopping to take up or set down passengers along the route;
- (e) shall when picking up or setting down passengers, stop the vehicle as close as is practicable to the left or near side of the road;
- (f) shall not when the vehicle is in motion speak to the conductor, to any passenger or to any other person unless it is necessary to do so on grounds of safety;
- (g) shall not unreasonably delay the vehicle on any journey;
- (h) shall shut off the engine and ensure that all the passengers are removed from his vehicle before filling the petrol or oil tank and keep such engine shut off and see that such passengers remain out of his vehicle until such filling is completed;
- (i) shall, where passengers for separate fares are being carried on the omnibus and there is no conductor on the omnibus, perform the functions of a conductor specified in regulation 8(2) (a) and (b);

- (j) shall stop his vehicle if signalled to do so by an authorised employee of the operator in uniform to enable the employee to board the vehicle for the purpose of carrying out his duties under these Regulations.

**12** (1) Every driver and conductor of a public omnibus and every other person employed therein at all times when on duty on the vehicle wear such uniform and carry such badge as shall be approved of by the Transport Commissioner.

(2) In any contravention of the provisions of paragraph (1), the driver, conductor, other person concerned and the operator shall be guilty of an offence and in any proceedings against an operator for a contravention of the provisions of paragraph (1), it shall not be necessary to prove guilty knowledge on the part of the operator.

#### PART IV - CONDUCT OF PASSENGERS

**13.** A passenger or intending passenger on a public omnibus shall not -

- (a) use obscene or offensive language or conduct himself in a disorderly manner;
- (b) enter or alight from the vehicle otherwise than by the doors or openings provided for the purpose;
- (c) when entering or attempting to enter the vehicle wilfully and unreasonably impede passengers seeking to enter the vehicle or to alight therefrom or behave in any other manner likely to delay the vehicle;
- (d) enter or alight from or attempt to enter or alight from the vehicle while it is in motion;
- (e) enter or remain in or on the vehicle when required not to do so by an employee of the operator in uniform and on duty on the grounds that the petrol or oil tank of the vehicle is to be filled, the vehicle is carrying its full complement of passengers or that the operator is debarred from picking up passengers at the place in question by reason of the conditions attached to the licence or by reason of any enactment;
- (f) enter or alight from the vehicle when requested not to do so by an employee of the operator in uniform and on duty on the grounds that the place in question is not a bus stop;
- (g) in the case of a public omnibus, travel in or on any part of the vehicle not provided for the conveyance of passengers;
- (h) wilfully do or cause to be done with respect to any part of the vehicle or its equipment or any accessory thereto anything which is calculated to obstruct or interfere with the working of the vehicle or to cause injury, discomfort or inconvenience to any passenger or to any other person;
- (i) when the vehicle is in motion distract the driver's attention or speak to him unless it is necessary to do so in order to give directions as to the stopping of the vehicle in an emergency or where no conductor is carried on the vehicle;

- (j) give any signal which might be interpreted by the driver as a signal from the conductor to start or to stop the vehicle;
- (k) spit upon or from or wilfully damage, soil, deface or defile any part of the vehicle or any equipment therein or any accessory thereto;
- (l) when in or on the vehicle distribute printed, written or similar matter of any description or distribute any articles for the purpose of advertising;
- (m) wilfully remove, displace, deface or alter any number plate, notice board, fare table, route indicator, or destination board or any printed or other notice of advertisement in or on the vehicle;
- (n) when in or on the vehicle to the annoyance of other persons use or operate any noisy or musical instrument or any gramophone or radio set or make or combine with any other person or persons to make any excessive noise by singing, shouting or otherwise;
- (o) when in or on the vehicle throw any article or thing on the road or pavement likely to annoy persons or to cause danger or injury to any person or property or attach to or trail from the vehicle any streamer, balloon, flag or other article or set out or put any thing or lean out or stick out his hand in such manner as to overhang the road;
- (p) wilfully obstruct or impede any employee of the operator in uniform and on duty;
- (q) smoke or carry a lighted pipe, cigar or cigarette in or on any part of the vehicle in or on which a notice is exhibited that smoking is prohibited;
- (r) when in or on the vehicle beg or sell or offer for sale any article;
- (s) if his condition is such as to be offensive to passengers, or the condition of his dress or clothing is such that it may reasonably be expected to soil or injure the linings or cushions or the seats or any other part of the vehicle or the clothing of other passengers, enter or remain in or on the vehicle after an employee of the operator on duty shall have requested him either not to enter or to leave the vehicle;
- (t) enter or travel in or on a vehicle with any dangerous or offensive article;

Provided that a passenger may carry in a container up to two gallons of inflammable liquids if such container is securely sealed or closed.

- (u) except with the consent of any employee of the operator, on duty, bring into or on to the vehicle any bulky or cumbersome article or place any such article elsewhere in or on the vehicle than as directed by such employee;
- (v) bring any animal into or on the vehicle; or
- (w) drive or attempt to drive the vehicle or interfere or attempt to interfere with any mechanism, device or control connected with or part of the vehicle.

**14** (1) A passenger on a public omnibus shall not, with intent to avoid payment of a fare, use or attempt to use -

- (a) any ticket or bus pass which has been altered or defaced; or
- (b) any ticket or bus pass which has been issued to another person if such ticket bears thereon an indication that it is not transferable; or
- (c) any ticket or bus pass which has expired.

(2) A passenger on a public omnibus, other than a passenger who is the holder of a valid bus pass in respect of the journey he intends to take or has taken on the public omnibus, shall -

- (a) immediately upon demand declare the journey he intends to take or has taken and pay to the conductor the fare for the whole of such journey and accept the ticket provided therefor;
- (b) leave the vehicle as soon as is practicable after completion of the journey the fare for which he has paid;
- (c) retain his ticket while he is on the vehicle and produce it for inspection and, if requested for punching, when required to do so by an authorized employee of the operator in uniform, or, if he fails so to do, pay the fare for the journey taken or to be taken by him;
- (d) if required to do so surrender his ticket to any authorized employee of the operator in uniform at the end of the journey covered by that ticket;
- (e) if required to do so by any employee of the operator, in uniform, surrender any ticket held by him either on completion of the journey or journeys covered by that ticket or in exchange for a new ticket covering the journey or journeys he is still entitled to take.

(3) No passenger on a public omnibus who is the holder of a valid bus pass shall -

- (a) on demand by an authorised employee of the operator, produce his bus pass in connection with the journey he intends to take or has taken to the employee for his inspection;
- (b) allow the authorized employee of the operator, in accordance with the conditions on which the bus pass was issued, to cancel any entry on the pass, or to tear or punch any part of the pass, in connection with the journey he intends to take or has taken;
- (c) leave the omnibus as soon as is practicable after completion of the journey -
- (d) covered by the pass; or
- (e) he has advised the authorized employee of the operator he has intended to take.

(4) No passenger shall travel or attempt to travel on a public omnibus without paying the fare for the journey, or if he is not in possession of a valid bus pass which covers the journey he intends to take and the proper charges for any goods lawfully carried at his request on the vehicle.

(5) No passenger shall leave or attempt to leave a public omnibus without paying the fare for the journey which he has taken and the charge for any goods lawfully carried at his request on the vehicle with intent to avoid the payment thereof unless, in the case of the fare, he is the holder of a valid bus pass covering the journey he has taken.

(6) Any conductor or other person authorised to receive fares from passengers or intending passengers in public service vehicles shall forthwith issue to each passenger or intending passenger who has paid his fare a ticket showing the amount of such fare and such other particulars as may be prescribed.

**15** (1) No person shall knowingly sell or supply any intoxicating liquor to any driver of a public service vehicle while such driver is on duty and no such driver shall buy or consume intoxicating liquor while he is on duty.

(2) No person licensed to drive a public service vehicle shall, at any time within six hours before the time at which he is due to take charge of a public service vehicle in respect of any journey, consume intoxicating liquor so as to render himself incapable of taking proper control of a motor vehicle.

(3) For the purposes of this section, the driver of a public service vehicle shall be deemed to be on duty during the time when he is in charge of or responsible for the driving of such vehicle in the course of any journey, including the period of any halt during such journey other than a halt overnight.

**16.** (1) Subject to this regulation where, under these Regulations, a passenger fails to pay the proper fare for the journey which he intends to take or has taken, the passenger is liable to an on-the-spot penalty of R25.

(2) A penalty under subregulation (1) shall be levied by and be payable forthwith to an authorised employee of the operator.

(3) A passenger who has paid an on-the-spot penalty under this regulation shall not be liable to a prosecution under these Regulations for failing to pay the fare in respect of which he has paid the penalty.

(4) A receipt for an on-the-spot penalty under this regulation issued by an authorised employee of the operator shall be prima facie evidence of the payment of the penalty.

(5) A person in respect of whom the court has imposed a penalty under regulation 17 for an offence of failing to pay a pro- per fare under these Regulations shall not, in addition, be liable to an on-the-spot penalty under this regulation for that offence.

**17.** Any person contravening or failing to comply with any of the provisions of these Regulations shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years or to a fine not exceeding Rs.1,000 or to both such fine and imprisonment.

**The Road Transport (Operator's Licence) Regulations**

S.I. 114 of 1977

[29th December, 1977]

- 1. These Regulations may be cited as the Road Transport (Operator's Licence) Regulations.
- 2. An application for an operator's licence under section 10 of the Act, shall be as in Form 1 of the Schedule hereto.
- 3. An operator's licence shall be as in Form 2 of the Schedule hereto.

SCHEDULE

Form 1

(Regulation 2)

APPLICATION FOR OPERATOR'S LICENCE

I, ..... hereby apply in terms of section 10 of the Road Transport Act for an Operator's Licence as follows:-

Routes and area to be covered .....

.....

Number of Vehicles .....

Type of Vehicles .....

.....

Date Signature of Applicant

Form 2

(Regulation 3)

OPERATOR'S LICENCE

Name .....

Date of Commencement .....

Date of Expiry .....

This licence is issued under section 10 of the Road Transport Act upon the following conditions :-

1. Route .....

2. No. of Vehicles .....
3. Type of Vehicles .....
4. Frequency of service .....
- 5.
- 6.
- 7.

Date: .....

.....

Licensing Authority

(The Registration Numbers of the Vehicles covered by this licence are inserted overleaf).

Registration Numbers of Vehicles.

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## ROAD TRANSPORT (TAXI) REGULATIONS

*[5th April, 1982]*

### ARRANGEMENT OF REGULATIONS

#### PART I - PRELIMINARY

1. Citation.
2. Interpretation.

#### PART II - TAXI MARKINGS ETC

3. Roof signs.
4. Taxi notices.
5. Taxi markings not to be used on other vehicles.

#### PART III - OPERATION OF TAXIS

6. Operation of taxi.
7. Relief drivers.
8. Restriction on alcoholic drink.

S.I. 15 of 1982  
 S.I. 55 of 1983  
 S.I. 70 of 1986  
 S.I. 39 of 1987  
 S.I. 84 of 1987  
 S.I. 25 of 1990  
 S.I. 14 of 1991  
 S.I. 29 of 1997  
 S.I. 39 of 2000  
 S.I. 38 of 2003  
 S.I. 25 of 2007  
 S.I. 55 of 2010

9. Restrictions on use of taxi.

#### PART IV - PASSENGERS

10. Duty to accept passenger.
11. Taxi ranks.
12. Prior arrangements and bookings.
13. Smoking.
14. Receipts.
15. Lost property.
16. Ban on other vehicles in taxi ranks.

#### PART V - FARES AND TAXI METERS

17. Fares.
18. Authorised Officer.
19. Taximeter.
20. Sealing and testing of taximeter.

#### PART VI - MISCELLANEOUS

21. False information in application.
22. Offences.
23. Offences in relation to identity badges.

SCHEDULE 1 - Taxi ranks.

SCHEDULE 2 - Taxi Fares by Distance.

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#### PART I - PRELIMINARY

1. These Regulations may be cited as the Road Transport (Taxi Regulations).
2. In these Regulations, unless the context otherwise requires -
  - "applicable fare" means the fare specified in regulation 18(1);
  - "authorised officer" means an officer of the Ministry authorised under regulation 19;
  - "Licences Regulations" means the Licences (Road Transport) Regulations;

“member of the family”, in relation to regulation 7(1), includes the son, daughter or parent of the applicant for a taxi licence;

"operate" means, in relation to a taxi, to ply for hire, stand for hire on a taxi rank, carry a passenger or wait for a passenger who has hired the taxi;

"owner"

(a) in relation to a motor vehicle which is the subject of a credit sale, a conditional sale or a hire purchase contract, means the person in possession of the vehicle under that contract; and

(b) includes, where the context so admits, the spouse of the owner if the spouse is named under Regulation 8(2) of the Licences Regulations or is a named driver;

"RT Regulations" means the Road Transport Regulations;

"relief driver" means a relief driver appointed by the owner under regulation 7;

“second driver” means a person appointed under regulation 7(3A);

"spouse", in relation to an owner, means either his spouse living with him or a woman living en menage with him but not both;

"taxi driver" means any person driving or operating a taxi;

"taxi licence" means a taxi licence issued under the Licences Regulations;

"taxi rank" means a taxi rank in terms of Regulation 12 and Schedule 1;

"waiting time" means a period during which a taxi is hired but, on the instructions of the passenger, is not in motion;

"1950 Act" means the Motor Vehicles Insurance (Third Party Risks) Act.

## PART II - TAXI MARKING ETC

**3.** (1) A motor vehicle registered as a taxi and in respect of which a taxi licence is in force must be fitted with an illuminated sign on the roof bearing the word TAXI in red colour on a white background or in white colour on a red background and approved by the licensing authority and clearly visible from the front and rear.

(2) The roof sign-

(a) shall be 110 mm to 150 mm in height and 325 mm to 350 mm in length; and

(b) shall be internally illuminated with the illumination being controlled by the driver inside the taxi.

(3) The roof sign must be lit when the taxi is plying for hire or standing for hire on a taxi rank; and must not be lit when the taxi is not on hire or not being operated as a taxi.

(4) Where the taxi is operated for the purposes of the holder of the taxi licence or of his family and not for carriage of passengers for reward, the roof sign shall remain covered.

4. A motor vehicle registered as a taxi and in respect of which a taxi licence is in force must be fitted -

- (a) both externally at the front of the vehicle and also internally in a prominent position, with a notice, in such form and of such size (including the size of letters and figures) as the licensing authority may decide, stating that it is a public vehicle and the number of persons (including the driver) which may be carried in it;
- (b) internally, in a prominent position, with a notice obtainable from the licensing authority and informing passengers where complaints about the taxi or the driver may be made;
- (c) internally, in a prominent position clearly visible to and readily legible by passenger, with a notice obtainable from the licensing authority that the taxi meter shall be switched on at all times during a hiring unless the taxi is being hired under an agreement referred to in regulation 17(2), and
- (f) internally, in a prominent position clearly visible to and readily legible by a passenger, with a notice obtainable from the licensing authority that the taximeter shall be switched on only upon the request of a passenger hiring the taxi.

5. No motor vehicle shall be fitted with a roof sign under Regulation 3 or a notice under Regulation 4, or with any sign or notice which might give the impression that the vehicle is a taxi, unless it is registered as a taxi and a taxi licence is in force for it.

### PART III - OPERATION OF TAXIS

6 (1) The owner of a taxi -

- (a) shall operate his taxi or cause it to be operated for at least 40 hours each week;
  - (b) may operate his taxi or cause it to be operated for any number of hours more than 40 hours each week; and
  - (c) except with the permission of the licensing authority, shall not engage in any other employment, trade, business or office.
- (2) Sub-regulation (1)(c) does not apply to the spouse of the owner.

7. (1) The holder of a taxi licence may apply to the licensing authority for approval to name the spouse or any adult member of the family of the holder of the taxi licence as a driver of the taxi where the taxi is operated for the purposes of the holder or of the family of the holder and not for carriage of passengers for reward (hereinafter referred to as the “named driver”) and shall in that event annex to the application the certificates referred to in regulation 8(1)(b), (c) and (f) of the Licences Regulations in respect of the named driver.

(2) Where the licensing authority approves a named driver, the licensing authority shall include the name of the named driver in the taxi licence and the provisions of these regulations shall apply to the named driver as they apply to the holder of the taxi licence.

(3) A holder of a taxi licence may apply to the licensing authority, on the form provided by the licensing authority for the purpose, for permission to appoint a relief driver to drive the taxi in the following cases for the following periods -

- (a) where the holder of the taxi licence is unfit to drive because of ill health or injury, during the period the holder of the taxi licence is unfit, subject to the presentation to the licensing authority of a certificate by a medical practitioner every 4 weeks;
- (b) where the holder of the taxi licence is on holiday, during the period the holder of the taxi licence is on holiday, such period not to exceed 28 days in each year or such longer period as is approved by the licensing authority.

(3A) A holder of a taxi licence may, in respect of a taxi licensed to ply for hire in apply to the licensing authority, on the form provided for the purpose, for permission to approve a second driver to drive the taxi in addition to the holder of the licence and where the licensing authority approves a second driver, the licensing authority shall include the name of the second driver in the taxi licence and the provisions of these Regulations shall apply to the second driver as they apply to the holder of the taxi licence.

(4) Where the holder of a taxi licence dies and the spouse of the holder of the licence becomes the owner of the taxi, the spouse may apply to the licensing authority on the form provided by the licensing authority for the operation of the taxi till the expiration of the licence of the deceased holder and for the appointment of a relief driver till the expiration of the licence and (if the licence is renewed) for a further period of 12 months subject to a maximum period of 18 months, in the aggregate.

(5) On an application under subregulation (3) or (3A) or (4), the applicant shall satisfy the licensing authority that the relief driver or second driver -

- (a) holds a current driving licence and has experience of driving a motor vehicle for a period of not less than 3 years;
- (b) holds a medical certificate in terms of regulation 8(1)(b) of the Licences Regulations;
- (c) holds a special driving test certificate in terms of regulations 8(1)(c) of the Licences Regulations;
- (d) has been photographed in terms of subregulation (9) of this regulation.

(6) The licensing authority may in its discretion grant or refuse the application for permission to appoint a relief driver or for the operation of the taxi, as the case may be.

(7) Permission under subregulation (6) shall be valid for one month only but may in the discretion of the licensing authority be renewed for further period specified in subregulations (3) and (4).

(8) A relief driver or second driver shall not drive a taxi unless the relief driver or second driver has been appointed under this regulation.

(9) The licensing authority shall make out and issue to the holder of a taxi licence, the named driver or relief driver or second driver an identity badge which shall -

- (a) have a photograph of the person to whom it is issued;
- (b) state that the holder of the badge is the holder of the taxi licence or the named driver, the relief driver or second driver, as the case may be;
- (c) state the registration number of the taxi for which it is valid;
- (d) bear the date stamp of and the signature on behalf of the licensing authority;
- (e) be signed by the person to whom it is issued and worn by that person in a clearly visible position at all hours while operating the taxi;
- (f) be otherwise in such form as the licensing authority may decide,

and may require the holder of the taxi licence, the named driver or the relief driver or second driver to be photographed for the issue of the badge at such place and time as may be fixed by the licensing authority or to apply within such time as may be fixed by the licensing authority for a new identity badge where the badge or the photograph or other particulars on it have, in the opinion of the licensing authority, become defaced or altered by fading or otherwise.

(10) It shall be a condition of the taxi licence that the taxi in respect of which the licence is granted shall not be driven by any person other than -

- (a) the holder of the licence, the named driver or relief driver or second driver;
- (b) when the taxi is operated for the purposes of the holder of the licence or of the family of the holder and not for carriage of passengers for reward, the spouse of the holder; being a person holding a current driving licence to drive the class of motor vehicles to which the taxi belongs;
- (c) a person who drives it for the purpose of section 6 of the Act;
- (d) the holder of a garage owner licence who drives it for the purpose of a certificate referred to in regulation 8(1)(e) of the Licences Regulations; or
- (e) a police officer in uniform driving it for the purpose of testing it under regulation 45 of the RT Regulations.

**7A.** It shall be the duty of every holder of a taxi licence, second driver and relief driver to attend and complete the taxi operators' course of training conducted by the Ministry of Environment and Transport, prior to the grant or renewal of a taxi licence or the issue of the identity badge, as the case may be.

**8** (1) No person shall knowingly sell or supply alcoholic drink to a taxi driver while that driver is operating a taxi.

(2) No taxi driver shall buy or consume alcoholic drink while he is operating a taxi.

(3) No taxi driver shall, within 6 hours before he is to be operating a taxi, consume alcoholic drink.

**9** (1) No owner shall knowingly permit his taxi to be used or driven by a driver other than a person driving it in terms of regulation 7(10).

(2) No person shall use or drive a taxi, or cause or permit a taxi to be used, for the instruction of another person to drive.

#### PART IV - PASSENGERS

**10.** Subject to regulation 12(2), a taxi driver-

- (a) who is plying for hire: or
- (b) whose taxi is in Bay of a taxi rank,

must accept as a passenger and drive any sober person who requests the hire of the taxi.

**11.** (1) The taxi ranks specified in Schedule 1 are approved taxi ranks on which taxis may stand for hire and each taxi rank has the number of bays specified in Schedule 1.

(2) Each bay in a taxi rank shall be marked on the ground with a number (in the form "1" and so on) which indicates the place of the taxi in that bay in the queue of taxis waiting for hire, the taxi in Bay 1 being first in the queue, the taxi in Bay 2 being second and so on.

(3) A taxi joining a taxi rank must occupy the lowest numbered vacant bay.

(4) Subject to regulation 12, the first taxi to be hired from a taxi rank must be the taxi in Bay 1 and the other taxis in the rank must then move forward to the next lowest numbered bay.

(5) Subject to regulation 12(1), no taxi driver whose taxi is in a taxi rank shall accept a passenger unless his taxi is in Bay 1.

(6) In the event of all the bays in a taxi rank being occupied, drivers of other taxis must -

- (a) not obstruct the vicinity of the rank; and
- (b) ply for hire elsewhere or go to another taxi rank.

(7) Except by prior arrangement, no taxi driver shall accept a passenger within 500mm of a taxi rank unless his taxi is in the rank.

**12** (1) If a person requesting the hire of a taxi has a prior arrangement with another driver in a higher numbered bay in the rank, then he may hire that driver's taxi instead of the taxi in Bay 1.

(2) If the driver of a taxi in Bay 1 or plying for hire has a booking for another passenger at a later time and would not be able to fulfil that booking if he accepted the hire, he may decline that hire and, if in Bay 1, must then immediately move to the lowest numbered vacant bay in the rank.

**13** (1) No taxi driver shall smoke tobacco or another substance when operating a taxi.

(2) If a "NO SMOKING" notice is prominently displayed in the taxi, no passenger shall smoke tobacco or another substance in the taxi.

**14.** A taxi driver must carry in his taxi a receipt book in a form approved by the licensing authority and on request must give a passenger a receipt for the fare paid.

**15.** A taxi driver shall comply with the requirements of regulation 78 (Lost property) of the RT Regulations.

**16.** No vehicle shall stand, park or wait in a taxi rank unless it is registered as a taxi and the owner holds a taxi licence.

#### PART V - FARES AND TAXIMETERS

**17** (1) Subject to this regulation, a taxi driver shall not charge a fare for the hire of his taxi greater than the applicable fare specified in Schedule 2.

(2) Where -

(a) a client is the holder of a visitor's permit in terms of the Immigration Decree; and

(b) the client and a taxi driver have entered into an agreement in a form which has been approved by the Ministry responsible for Transport for the hire of the taxi driver's taxi for a continuous period of not less than 2 hours at a fare specified in the agreement,

the taxi driver may charge the fare specified in the agreement and, in addition, an amount equal to 10% of that fare as trades tax.

(3) The taxi driver shall, before an agreement has been reached between the client and him with regard to the fare for the journey to be undertaken, advise the client of the additional amount referred to in subregulation (2) payable by the client as trades tax.

(4) Where there is an agreement in accordance with subregulation (2) between a taxi driver and a client, the taxi driver shall not charge any amount in excess of the aggregate of the fare specified in the agreement and a sum equal to 10% of the fare as trades tax as provided in subregulation (2);

(5) Where in response to a request from a hirer a taxi has to travel a distance of more than 2 kilometres so as to reach the place appointed by the hirer to commence the hirer's journey, a taxi driver may charge the fare for the journey as from the point where he left to travel to reach the place appointed by the hirer -

(a) where there is an agreement under subregulation (2), at the rate specified in the agreement;

(b) in any other case, at the rate specified in Schedule 2 as if he has commenced the hirer's journey provided the taxi driver switches on the taxi metre of his taxi at the time when he leaves that point.

(6) A taxi driver shall not charge a fare for any journey unless -

- (a) the fare has been recorded on the taxi meter, or
- (b) the fare has been specified in an agreement referred to in subregulation (2).

(7) Where the fare for a journey is covered by an agreement referred to in subregulation (2), the taxi driver shall be deemed, for the purposes of the Trades Tax Act, to have collected trades tax in accordance with subregulation (2).

**18.** The Minister may authorise any person employed in his Ministry to act as an authorised officer under this Part and such authority may relate to a specific matter or to all matters under this Part.

**19** (1) No person shall use, cause or permit to be used a motor vehicle as a taxi unless the vehicle is fitted with a taximeter -

- (a) of a design and construction; and
- (b) that is installed in a place and in a manner in the vehicle,

as may be approved by an authorised officer.

(2) No person shall fit a taximeter to a taxi without the prior approval of an authorised officer.

(3) A taxi driver shall keep the taximeter installed in his taxi switched on at all times during a hiring unless the taxi is being hired under an agreement referred to in regulation 17(2).

**20** (1) A taxi driver shall produce his taxi at such a place and time as an authorised officer may require for the purpose of inspection, testing and regulating the taximeter fitted therein.

(2) Every taximeter installed in a taxi shall be -

- (a) tested before it is fitted to a taxi;
- (b) inspected, tested, and regulated where necessary at 6 monthly intervals after it is installed; and
- (c) stamped and sealed,

by an authorised officer.

(3) No person except an authorised officer shall disconnect, unseal or in any way interfere with a taximeter that has been installed in a taxi.

(4) No person shall use or permit or offer a motor vehicle to be used as a taxi if -

- (a) the stamp or seal of an authorised officer, in respect of the taximeter, has been broken or damaged;
- (b) the taximeter has not been submitted for testing by an authorised officer within the previous 6 months;

- (c) the taximeter was affixed to the taxi without the prior approval of the authorised officer; or
- (d) the taximeter does not comply with the provisions of these Regulations.

**PART VI - MISCELLANEOUS**

**21.** A person who, in making an application under these Regulations to the licensing authority, wilfully makes a statement which he knows to be false, or recklessly makes a statement which is false in a material particular, is guilty of an offence punishable in terms of section 24(2) of the Act.

**22.** A person who contravenes regulation 3, 4, 5, 6, 7(8), 8, 9, 10, 11(3), (5) or (7), 13, 14, 15, 16, 17, 19 or 20 commits an offence punishable in terms of section 24(2) of the Act.

**23.** A person who -

- (a) alters, mutilates or in any way defaces an identity badge issued by the licensing authority; or
- (b) on being required by the licensing authority to apply for a new identity badge under regulation 7(9) fails to do so within the time prescribed in that regulation,

is guilty of an offence punishable under section 24(2) of the Act.

**24.** (1) It shall be the duty of all taxi operators to observe the Taxi Operators' Code of Conduct set out in Schedule 3.

(2) A person who contravenes subregulation (1) commits an offence punishable in terms of section 24(2) of the Act.

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**SCHEDULE 1**

Reg. 11(1)

**TAXI RANKS**

Location	No. of Bays
Victoria Taxi Stand	43
Seychelles International Airport	29
New Port	16
Independence Avenue (Barclays Bank)	8
Quincy Street Car Park	7
Beau Vallon Bay Hotel	11

Coral Strand Hotel	8
Reef Hotel	10
Mahe Beach Hotel	4
Barbaron Beach Hotel	6
Inter Island Quay	8
Victoria Hospital	4
Northolme Hotel	1
Plantation Club Hotel	8
Domestic Terminal	12
Victoria House Car Park	1
SMB Access Road	6

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SCHEDULE 2

(Reg.17)

**Taxi Fares by Distance**

**DAY AND NIGHT, Weekdays**

**Saturdays, Sundays and Public Holidays**

<b>MAHE</b>	First kilometer	25.00
	Additional kilometer	23.00
<b>PRASLIN AND LA DIGUE</b>	First kilometer	28.00
	Additional kilometer	24.50

**CHARGES FOR BAGGAGES**

(excluding small items such as handbags, camera cases, airline travel bags etc.)

For each piece of luggage	10.00
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**NOTE:** The charges for baggage are additional to the fare by distance.

## SCHEDULE 3

### Taxi Operators' Code of Conduct

#### **Personal**

1. A Licensed taxi operator shall-
  - (a) Always be courteous and helpful;
  - (b) Always be well-groomed and dressed in long trousers when on duty;
  - (c) Not use abusive language or be involved in any fight or quarrel with a passenger or any other person whilst on duty;
  - (d) Not be involved in any conduct prejudicial to the reputation of the tourism industry of Seychelles or to the good name of the country;
  - (e) Maintain friendly relations with and cooperate with other taxi operators and tourism establishments;
  - (f) Always try to understand the character and needs of the passengers;
  - (g) Exercise due care to ensure that a passenger or any other person is not placed in danger;
  - (h) Not leave a passenger before the completion of the hire;
  - (i) Not pick or choose passengers, or refuse any hire without a valid reason;
  - (j) Not solicit for passengers;
  - (k) Not smoke inside the taxi whilst it is on a hire;
  - (l) Not consume alcoholic drinks prior to or whilst on hire.

#### **Operational**

2. A licensed taxi operator shall-
  - (a) a licensed taxi operator shall-
  - (b) maintain the vehicle in a sound mechanical and roadworthy condition;
  - (c) display the operator's licence number, with the name and photograph of the authorized driver on the dash board;
  - (d) have valid insurance cover at all times in respect of both the passengers and the property;
  - (e) maintain all tyres, including spares, inflated in accordance with the manufacturer's recommendations;
  - (f) not hinder nor obstruct other taxi drivers from picking up passengers;

- (g) produce vocational licence upon demand;
- (h) not ignore would be passengers queuing at a taxi stand;
- (i) not request any commission from shops, hotels, guesthouses, restaurants, etc. nor solicit for any tips;
- (j) not overcharge passengers. Taxi meters shall be used al ALL times when a passenger is in the taxi. The fares indicated on the meter shall be the maximum chargeable.
- (k) A receipt book shall be carried at all times and a receipt shall be issued at the request of the client;
- (l) Not permit the taxi to be driven by any person other than a second named or relief driver;
- (m) Shall respect all the regulations relating to the operation of taxi queues where these are available;
- (n) Shall cooperate to ensure that public is served.

**General**

- 3. A taxi operator shall observe all relevant Road Transport Regulations and Regulations pertaining to taxis;
- 4. Any taxi must operate a minimum of 56 hours per week;
- 5. Taxi operators shall be examples of good road users and practice high standards of safe, efficient and courteous driving at all times.
- 6. The taxi operators shall sit general knowledge tests as well as driving and vehicle tests, as and when necessary in order to improve their services;
- 7. Taxi operators shall accept the Ministry responsible for Transport or the Licensing Authority as an arbitrator in case of any dispute with a client.

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**CHARGES FOR BAGGAGE**

(Excluding small items such as handbags, camera cases, airline travel bags, etc.)

For each piece of baggage R 5.00

**Note.** The Charges for baggages are additional to the fares by distance.

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*Sections 23 and 28*

S.I. 71 of 1992

**ROAD TRANSPORT (SCHOOL CROSSINGS)**

## **REGULATIONS**

**1.** These Regulations may be cited as the Road Transport (School Crossings) Regulations.

**2.** In these Regulations -

"school" means an institution from which regular instruction is given to children attending it; and

"school crossing" means a crossing for school children established on a road in the vicinity of a school under section 23 of the Act.

**3.** (1) A school crossing and its limits shall be indicated by solid white lines painted across a road on each side of the crossing in accordance with the diagram depicted in the Schedule.

(2) A school crossing is deemed to be indicated in accordance with subregulation (1) even if any line painted across the road is imperfect, discoloured or displaced so long as the general indication of the line is not materially impaired.

**4.** (1) The Minister, in consultation with the Minister responsible for Education, may appoint school wardens for regulating the movement of traffic and pedestrians on a road at or in the vicinity of a school crossing.

(2) A school warden appointed under subregulation (1) shall have the power by exhibiting a sign depicted in the Schedule to require-

(a) a person driving or moving a vehicle on a road at or in the vicinity of a school crossing to stop it; and

(b) a pedestrian at or in the vicinity of a school crossing to stop.

(3) A school warden shall, while discharging his functions under subregulation (2), be dressed in such uniform as may be approved by the Minister.

**5.** Where a school warden appointed under regulation 4 is ill or is for any reason unable to perform his functions, those functions may, until the school warden resumes the functions of his office, be performed by a person designated by the Road Transport Commissioner and the person so designated shall, while performing those functions, have the same powers of a school warden.

**6.** (1) Where a person has been required to stop a vehicle in accordance with regulation 4(2) (a) -

(a) he shall cause the vehicle to stop before reaching the school crossing; and

(b) the vehicle shall not be put in motion again so long as the sign depicted in the Schedule continue to be exhibited.

(2) Where a pedestrian has been required to stop in accordance with regulation 4(2) (b), he shall not enter the school crossing or cross the road at or in the vicinity of the school crossing so long as the sign depicted in the Schedule continue to be exhibited.

(3) A person who fails to comply with sub regulation (1) (a) or sub regulation (1) (b) or sub regulation (2) is guilty of an offence and is liable on conviction to a fine of R10,000 and to imprisonment for 2 years.

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Section 21

**Road Transport (Parking Fees) Order**

S.I. 295 of 1995  
S.I. 39 of 1995

*[24th April 1995]*

1. This Order may be cited as the Road Transport (Parking Fees) Order, 1995.

2. (1) A driver of a motor vehicle who parks the vehicle at a parking bay on a side of a road specified in column 1 of Schedule 1, other than at a loading bay, shall pay the parking fee specified in the corresponding entry in column 2 of that Schedule for each period specified in a traffic sign placed on that side of the road or for any part of that period during which the vehicle remains parked in that bay, irrespective of any restriction on the period of parking at that bay or without prejudice to any liability for any offence committed thereby.

(2) A driver of a motor vehicle who parks the vehicle at a public car park specified in column 1 of Schedule 2 shall pay the parking fee specified in the corresponding entry in column 2 of that Schedule for each period specified in a traffic sign placed in a conspicuous place in that car park or for any part of that period during which the vehicle remains parked in that car park, irrespective of any restriction on the period of parking at the car park or without prejudice to any liability for any offence committed thereby.

3. (1) The parking fee shall be paid by parking coupons purchased at places designated in a notice published in a local newspaper by the Road Transport Commissioner.

(2) The driver of a motor vehicle who parks the vehicle at a place referred to in paragraph 2 shall -

- (a) indicate on a parking coupon, in the manner specified on the coupon, the time, day of the week, month and date of arrival of the vehicle at that place;
- (b) use a coupon or sufficient coupons to the value of the fee payable;
- (c) place the coupon or coupons in a conspicuous place inside the vehicle so as to be clearly visible to a person standing outside the vehicle.

(3) A parking coupon used in accordance with subparagraph (2) shall cease to be valid after the expiration of the period for which it is used for payment of parking fees.

**SCHEDULE 1**

<b>ROAD</b>	<b>PARKING FEE</b>
I. INDEPENDENCE AVENUE	R2
II. ALBERT STREET	R2

III.	FRANCIS RACHEL STREET	R2
IV.	HUTEAU LANE FROM THE JUNCTION WITH ALBERT STREET TO THE JUNCTION WITH MANGLIER STREET	R2
V	MANGLIER STREET FROM THE JUNCTION WITH HUTEAU LANE TO THE ENTRANCE TO THE SEYCHELLES MARKETING BOARD PARKING AREA	R2
VI	MARKET STREET	R2
VII	CHURCH STREET	R2

## SCHEDULE 2

<b>PUBLIC CAR PARK</b>	<b>FEE</b>
PUBLIC CAR PARK AT THE CORNER OF MARKET STREET AND QUINCY STREET, VICTORIA	R2.

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Section 28(1)(c)

### Road Transport (Sober Driving) Regulations

S.I. 109 of 1995

*[1st March, 1996]*

1. These Regulations may be cited as the Road Transport (Sober Driving) Regulations.
2. In these Regulations -

"analysis" means an analysis by an authorized analyst for the purposes of ascertaining the proportion of alcohol or drug in a person's blood or urine;

"authorized analyst" means a person appointed by the Minister for the purpose of making a blood or urine analysis under these Regulations;

"breathalyser" means a device approved by the Minister for the purpose of carrying out a breath test;

"breath test" means a test under these Regulations by means of a breathalyser for the purpose of ascertaining the proportion of alcohol in a person's breath;

"prescribed limit" means, in relation to the proportion of alcohol in the breath, blood or urine of a person, the limit specified in the Schedule;

"traffic offence" means an offence under the Road Transport Act.

3. (1) A person whose breath, blood or urine contains a proportion of alcohol which exceeds the prescribed limit is unfit to drive or be in charge of a motor vehicle and shall not drive or be in charge of a motor vehicle on a road.

(2) A person shall not be treated as being in charge of a motor vehicle for the purposes of subregulation (1) if the person proves that at the material time the circumstances were such that there was no likelihood of the person driving the motor vehicle so long as there was any probability of the person having alcohol in the person's breath, blood or urine in a proportion which exceeds the prescribed limit.

(3) In determining the likelihood of a person driving a motor vehicle for the purposes of subregulation (2) the court shall, where the person is injured or the vehicle is damaged, disregard the fact that the person is injured or the vehicle is damaged.

4. (1) Subject to this regulation, a police officer may -
- (a) where the police officer has reasonable ground to suspect that a person driving or in charge of a motor vehicle -
    - (i) has alcohol in the person's blood; or
    - (ii) has committed a traffic offence while the vehicle was in motion;
  - (b) where an accident has occurred on a road owing to the presence of a motor vehicle,

require the person referred to in paragraph (a) or who was driving or in charge of the vehicle referred to in paragraph (b) to take a breath test.

(2) For the purposes of subsection (1), where in a case falling under subsection (1)(b) there were more than one person in a vehicle at the time of the accident and a police officer is unable to identify the person who was driving or was in charge of the vehicle at the time, the police officer may require all the persons who were present in the vehicle at the time to take a breath test.

(3) A person shall not, without reasonable excuse, refuse to take a breath test when required to do so under subregulation (1) or subregulation (2).

(4) A person shall be treated as having refused to give a breath test if the person fails, without reasonable excuse, to provide, or follow the instruction of a police officer with regard to the manner of providing, a specimen of breath for a breath test.

(5) A police officer shall not require a person who is a patient at a hospital to take a breath test without first notifying the medical practitioner in charge of the person at the hospital or if a medical practitioner objects to the taking of the test on medical ground.

(6) A police officer shall not require a person to take a breath test where the police officer is aware or has reasonable ground for believing that the person has consumed alcohol at any time during the preceding 20 minutes.

(7) A police officer shall -

- (a) ensure that the breathalyser is in working order;
- (b) in the presence of the person who is to take a breath test, remove from its sealed container and fit on to the breathalyser a clean mouth-piece,

before requiring a person to take a breath test.

(8) A person required to take a breath test shall provide 2 specimens of breath and of the 2 specimens the specimen with the lower proportion of alcohol in the breath shall be used for the purpose of these Regulations and the other specimen shall be disregarded.

5. (1) Subject to this regulation, a police officer may, in any of the circumstances under these Regulations where a police officer may require a person to take a breath test -

- (a) and the police officer is not in possession of a breathalyser or the breathalyser is defective or the police officer is unable to comply with regulation 4(7) or it is otherwise impracticable to use a breathalyser;
- (b) and the person who is required to take a breath test refuses or is unable to do so; or
- (c) but is prevented from so doing by virtue of regulation 4(5) or (6),

require the person to give, within the time and at the station or hospital specified by the police officer, a specimen of blood or urine for analysis.

(2) A police officer shall not require a person to give a specimen of blood or urine after the person has taken a breath test-

- (a) unless it is found, while the person is taking the breath test or immediately thereafter, that the breathalyser is defective; or
- (b) solely because the breath test reveals that the proportion of alcohol in the breath of the person does not exceed the prescribed limit,

and the result of the analysis of a blood or urine specimen taken in contravention of this sub-regulation shall not be admissible in evidence under these Regulations.

(3) A specimen of blood shall not be taken from a person unless the person consents to the specimen being taken.

(4) A person shall not, without reasonable excuse, refuse to give a specimen of blood or urine under subregulation (1) and for the purposes of this subregulation, a refusal on the ground of religion shall not constitute a reasonable excuse.

(5) A police officer shall not require a person who is a patient at a hospital to provide a specimen of blood or urine without first notifying the medical practitioner in charge of the

person at the hospital or if the medical practitioner objects to the provision of the specimen of blood or urine on medical ground.

(6) Where a medical practitioner is of the opinion that for medical reason a person cannot or should not provide a specimen of blood, the person shall not be required to provide a specimen of blood.

(7) A specimen of blood required for analysis under these Regulations shall be taken by a medical practitioner.

(8) A police officer requesting a specimen of blood or urine under this regulation shall offer to give, in a suitable container, to the person giving the specimen a part of the specimen unless the specimen is insufficient for an analysis or it is impracticable to divide it.

6. A police officer shall, when requiring a person to take a breath test or give a specimen of blood or urine under these Regulations, warn the person of the consequences of failing to take the test or give a specimen of blood or urine under these Regulations.

7. (1) Where a person has taken a breath test, a print out produced by the breathalyser indicating the proportion of alcohol in the breath of the person shall, after the police officer shall have-

- (a) entered therein the time and date on which the print out was produced; and
- (b) signed the print out,

be admissible in evidence in a proceeding for a traffic offence and shall be prima facie evidence -

- (c) of all matters, including the signature of the police officer, contained in the print out,
- (d) that, at the material time, the breathalyser was in working order and the police officer had complied with regulation 4(7); and
- (e) that the proportion of alcohol in the breath of the person to whom the print out relates was, at the time of the commission of the offence, as specified in the print out.

(2) A certificate purporting to be signed by an authorised analyst relating to the presence or proportion of alcohol or drug in a specimen of blood or urine taken under these Regulations shall be admissible in evidence in a proceeding for a traffic offence and be prima facie evidence -

- (a) of all matters, including the signature of the analyst, contained in the certificate; and
- (b) that the proportion of alcohol or drug in the blood or urine of the person to whom the certificate relates was, at the time of the commission of the offence, as specified in the certificate.

(3) A document signed by the medical officer who took a specimen of blood from a person for the purposes of these Regulations and stating that the specimen of blood was taken

from the person with the person's consent shall be prima facie evidence of the fact stated in the document and of the signature of the medical officer.

- (4) A police officer shall -
  - (a) in the case of a breath test, as soon after complying with subregulation (1)(a) and (b);
  - (b) in the case of a certificate under subregulation (2), at least 3 days before the beginning of the proceeding during which the certificate will be produced in evidence,

give to the person to whom the print out or certificate relates a copy of the print out or certificate.

- 8. (1) A police officer may –
  - (a) where a person has refused to take a breath test under regulation 4;
  - (b) where a person has refused to give a specimen of blood or urine under regulation 5;
  - (c) where a person has taken a breath test or given a specimen of blood or urine and it is found that the proportion of alcohol in the person's breath or of alcohol or drug in the person's blood or urine exceeds the prescribed limit,

arrest the person without a warrant and take any other reasonable step to prevent the person from driving or taking charge of a vehicle on the road while the police officer has reasonable ground to suspect the proportion of alcohol in the person's breath or of alcohol or drug in the person's blood or urine continues to be in excess of the prescribed limit.

(2) A police officer may, where the police officer would have been empowered under regulation 4 to require a person to take a breath test or under regulation 5 to give a specimen of blood or urine but has been unable to do so because the person has escaped or taken other evasive action and the breath test has not been taken or specimen of blood or urine has not been given and the police officer has reasonable ground to suspect that the proportion of alcohol in the breath or of alcohol in the blood or urine of the person is in excess of the prescribed limit, arrest the person without a warrant.

- 9. (1) A person who -
  - (a) contravenes regulation 3(1), 4(3) or regulation 5(4);
  - (b) in order to avoid the taking of a breath test or giving of a specimen of blood or urine, escapes or takes any other evasive action;
  - (c) obstructs a police officer or medical practitioner in the performance of the police officer's or medical practitioner's functions under these Regulations,

is guilty of an offence and liable on conviction to the penalty under section 24(2) of the Act.

(2) Subject to the Licences Act, where a person has been convicted of an offence under subregulation (1)(a) or (b), the court shall, on the conviction of the person of another

offence under subregulation (1)(a) or (b) within six months of being convicted of the first-mentioned offence, unless for special reasons it thinks fit to order otherwise, suspend the driving licence of the person and disqualify the person from obtaining a driving licence for a period of not less than 12 months.

## SCHEDULE

(Reg. 2)

### PRESCRIBED LIMIT OF ALCOHOL

The limit of the proportion of alcohol is -

- |     |                                       |  |
|-----|---------------------------------------|--|
| (a) | in the case of alcohol in the breath, | 35 microgrammes alcohol in 100 millilitres of breath;    |
| (b) | in the case of alcohol in the blood,  | 80 milligrammes alcohol in 100 millilitres of blood;     |
| (c) | in the case of alcohol in the urine,  | 107 milligrammes of alcohol in 100 millilitres of urine. |

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### Section 28

### **Road Transport (Secured Load) Regulations**

S.I. 69 of 2008

*[15th September, 2008]*

1. These Regulations may be cited as the Road Transport (Secured Load) Regulations.
2. In these Regulations, unless the context otherwise requires-
  - “canopy” means a large or wide water resistant or waterproof material used for protecting exposed objects or areas.
  - “canvas” means an extremely heavy-duty plain-woven fabric;
  - “construction materials” means articles, materials, or supplies for incorporation into the building or work and includes an item brought to the site preassembled from articles, materials, or supplies;
  - “tarpaulin” means a large sheet of strong, flexible, water resistant or waterproof material made of canvas or polyester coated with a kind of plastic.
3. No person shall drive a commercial vehicle loaded with construction materials in a manner that such load or any part thereof shall project above the height from the rear body of the vehicle.
4. No person shall drive or move a loaded commercial vehicle on any road, street, highway or other public place unless such vehicle is so constructed, loaded or covered so as to prevent any of its loads from dropping, sifting, leaking or otherwise escaping therefrom.

**5.** No person shall operate any vehicle so as to track or drop mud, stones, concrete, gravel or other similar material on any street, highway or other public place.

**6.** (1) The driver of a vehicle loaded with waste or construction materials shall cover such load with a canvass, tarpauling or canopy to ensure that-

- (a) no part of the load falls off the vehicle; and
- (b) no dust is blown off the road to foul the air.

(2) The driver of a loaded vehicle shall cover the vehicle in such a manner that the canvass, tarpaulin or canopy covers the whole part of the rear body of the vehicle and is securely fastened to the sides of the rear body of the vehicle so that no part of the load may fall off the vehicle or be blown off the vehicle.

**7.** The driver of a loaded refuse vehicle or vehicle use for transporting refuse shall ensure that he protects the refuse at all times and shall not allow the leaking or dropping of any watery substance from the vehicle.

**8.** Where, on the coming into operation of these Regulations, a truck owner or driver who does not have in his possession such materials to which these Regulations apply, the truck owner or driver has three months from the date of coming into operation of these Regulations to buy and install such materials to the truck.

**9.** (1) Any person who contravenes these Regulations commits an offence.

(2) Any offence under these Regulations is punishable under section 24(2) of the Road Transport Act, 1996.

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