LAWS OF THE NEW SUDAN

THE TRAFFIC ACT, 2003,

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(PROVISIONAL ORDER)

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THE TRAFFIC ACT, 2003

Chapter 1

Preliminary

Section 1. Title and Commencement:-

This Act may be cited as "The Traffic Act, 2003" and shall come into effect on the date of signature by the Chairman.

Section 2. Repeal and Saving:-

(1) The Road Traffic Act, 1994 is hereby repealed.

(2) All acts done and orders issued under the repealed Act shall continue in force till repealed or amended in accordance with the provisions of this Act.

Section 3. Definitions:-

In this Act, unless the context otherwise required, the following words and expressions shall carry the meanings assigned to them:-

"Bicycle" means any bicycle or tricycle not self propelled.
"Cattle" means domestic animals and included oxen, bulls, cows, horses, camels, mules, asses, sheep, goats and swine.
"Commissioner" means the Commissioner for Interior.
"Commercial Vehicle" means a motor vehicle constructed or adapted for the carriage of goods or loads of any description in connection with any trade, business or agriculture, but does not include any type or class of motor vehicles which the Director of Traffic may declare by notice in the Gazette, not to be a commercial vehicle for the purposes of this Act.
"Dealer" means any person who deals by way of business, in motor vehicles or trailers.
"Dealer's General Licence" means a licence issued under section 25 of this Act.
"Drive" in relation to a motor vehicle, includes the steering of a motor vehicle.
"Driver" means any person who drives or guides or is in actual physical control of any vehicle or cattle on any road.
"Driving Licence" means a licence to drive a motor vehicle, issued under this Act, or any other document deemed to be a driving licence by any rules or regulations made under this Act.
"Driving Test Examiner" means any person appointed to be a driving test examiner under section 40(1) of this Act.

"Heavy Commercial Vehicle" means a commercial vehicle whose tare weight is higher than of a Commercial Vehicle.
"Highway Authority" means:-
1) In relation to the area of Jurisdiction a town or the town Council.
2) In relation to any other areas the Commissioner for housing, public works and roads.
"Inspected Certificate" means a certificate affixed to a vehicle under section 19 of this Act.
"Inspector" means any person appointed to be an inspector of vehicles under section 19 (1) of this Act.
"Invalid Carriage" means a motor vehicle specially designed and constructed for use by persons with physical defects or disabilities.
"Licensing Officer" means a person appointed a licensing officer under section 17 of this Act.
"Manufacturer" means manufacturer of motor vehicles and trailers.
"Mini-bus" means a public service vehicle with a seating capacity for not more than 25 passengers exclusive of the driver, but does not include a motor car.
"Motor Car" means a motor vehicle with a seating capacity for not more than eight passengers excluding the driver, but does not include a motor cycle.
"Motor Cycle" means a motor vehicle with less than four wheels the weight of which unladen does not exceed fifty cubic centimetres engine capacity.
"Bus" means a public service vehicle with a seating capacity for more than twenty five passengers exclusive of the driver.
"Motor Vehicle" means a mechanically propelled vehicle excluding any vehicle running on a specially prepared way such as railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicle as may from time to time by rules under this Act be declared not to be vehicles for the purpose of this Act.
"Owner" in relation to a vehicle which is the subject of a hire purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement.
"Plying for Hire" includes:-
(i) Standing on any public taxi park.
(ii) Being offered for hire by any notice, advertisement or announcement.
(iii) Standing or travelling while exhibiting a "For Hire" notice of any kind.
"Provisional Driving Licence" means a licence issued under section 33 of this Act.
"Private Hire Vehicle" mans any public service vehicle constructed or adapted to carry not more than eight passengers excluding the driver such vehicle not being a taxi or mini-bus.
"Public Service Vehicle" means any motor vehicle which:-
(i) Is licensed under Section 103 of this Act, to carry passengers for hire or reward; or
(ii) Plies for hire or reward or is let out for a hire or reward; or
(iii) Is carrying passengers for hire or reward.
"Road" means a road to which the general public has access and includes any other road or way or wharf, car park, footpath, or bridge on which vehicles are capable of travelling and to which the public has access.
"Tare Weight" means the weight of a vehicle when unladen inclusive of the weight of the body and all parts which are necessary to or ordinarily used with the vehicle when used on the road.

"Taxi" means any public service vehicle constructed or adapted to carry not more than seven passengers exclusive of the driver, which is registered under any by-laws relating to the licensing and operation of taxis to ply for hire from a taxi rank or other public place within the area where such by-laws are in force.
"Tractor" means a motor vehicle constructed or adapted for the purpose of hauling trailers, but not itself designed to carry goods or passengers.
"Trailer" means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle.
"Traffic Sign" means any sign, notice signal, light or any device erected or displayed by or with the consent of the highway authority for the purpose of regulating, restricting or prohibiting traffic and vehicles of any kind on the road. All the traffic signs shall conform to any regulations as to the size, colour and type which may be prescribed by rules made under this Act.
"Vehicle" includes a motor vehicle, a trailer and any other means of conveyance used on the road.

Section 4. Appointment of Officers:-

1) The Commissioner shall on the recommendation of the Inspector General of Police appointed a Director for the Directorate of Traffic, whose functions among others shall be:-
   a) the registration and licensing of motor vehicles and trailers.
   b) licensing of drivers.
   c) keep records and registers of (i) and (ii) above.

2) The Director shall appoint a registrar, licensing officers, inspectors and driving test examiners as may be necessary for carrying out the provisions of this Act.

Section 5. Classification of Motor Vehicles:-

For the purposes of this Act, motor vehicles shall be classified as follows:-

1) Buses.
2) Heavy Commercial Vehicles.
3) Commercial Vehicles.
4) Tractors.
5) Motor Cars.
6) Motor cycles, not exceeding fifty cubic centimetres engine capacity.
7) Motor cycles exceeding fifty cubic centimetres engine capacity.
8) Invalid carriages.
9) Special type of motor vehicles for which special authorization is required from the Director of Traffic before such vehicle is registered or used on the road.
10) Mini buses.

Chapter 2

Registration of Vehicles.

Section 6. Records of Vehicles:-

(1) The registrar shall keep records of all the motor vehicles and trailers registered in the New Sudan and shall cause every licensing officer to keep records of all the vehicles registered by him.

2) Vehicle records maintained by the registrar or a licensing officer shall be open for inspection by any police officer customs officer or any other authorized person.

3) Anybody who satisfies the registrar that he has reasonable cause shall be entitled on payment of the prescribed fees to a copy of any entry in such vehicle records.

Section 7. Motor Vehicles and Trailers to be Registered:-

1) No person shall possess a motor vehicle or trailer, other than a vehicle exempted from the provisions of this chapter, unless such vehicle is registered under this Act.

2) Application for the registration of any vehicle shall be made to a licensing officer in the prescribed form and shall be accompanied by the prescribed fees.

3) A licensing officer, before registration of any motor vehicle or trailer, may verify all the particulars in the form of application and may if he thinks fit, send the vehicle to an inspector for examination to satisfy himself that the vehicle is fit for the purpose for which it is intended and to conform in all aspects to the provisions of this Act.

4) If an application is made for the registration of a commercial vehicle, whose load capacity has not been declared by the manufacturers of the chassis, the licensing officer shall not register the vehicle or trailer till determined by an inspector and the determination shall be final.

5) The licensing officer on being satisfied as to the accuracy of the particulars issue a registration number which shall be the identification mark of the vehicle.

6) The licensing officer shall thereafter forward particulars of the vehicle to the registrar, who shall enter such particulars in his records and issue a registration book, which shall be proof of registration of the vehicle.

7) If a registration book is lost, destroyed or defaced or the particulars thereon have become illegible, the owner of the vehicle shall apply in the prescribed form for a duplicate thereof, and the Registrar, if satisfied as to such loss, destruction, defacement or illegibility, shall upon payment of the prescribed fees issue a duplicate registration book.

8) Any lost and subsequently found registration book, shall forthwith be returned to the Registrar for cancellation.

9) In the event of any change of circumstances, which affects the accuracy of the registered particulars of any vehicle, the owner of the vehicle shall inform the Registrar of such and shall forward the registration book together with the prescribed fees, and any further information that he may require for amendment of the registration book.

10) If the licensing officer has reason to believe that a motor vehicle or trailer in respect of which registration has been applied for is of or may be of a type not previously registered under this Chapter, or is of type so registered but constructed according to different specifications. He may refuse to register the vehicle until plans or specification thereof are submitted to and approved by the Registrar.

Section 8. Inspection Fees:-

The owner of a vehicle subject to inspection under this Chapter shall before inspection pay to the licensing officer the prescribed inspection fees.

Section 9. Ownership of Vehicles:-

The person in whose name the vehicle is registered shall, unless the contrary is proved, be deemed to be the owner of the vehicle.

Section 10. Change of Ownership:-

1) No motor vehicle or trailer – the ownership of which has been transferred by the registered owner shall be used on the road for not more than fourteen days from the date of transfer unless the new owner is registered as the owner thereof.
2) Upon the transfer of ownership of a vehicle, the registered owner thereof shall within seven days from the date of transfer, inform the Registrar in the prescribed form of the name and address of the new owner and deliver to the new owner, the registration book in respect of such vehicle. The new owner after inserting particulars of the change of ownership, forward the registration book with the prescribed fee to the Registrar and the vehicle shall be registered in the name of the new owner.

If the registered owner of the vehicle failed to comply with the provisions of this subsection, the Registrar on being satisfied that the registered owner died or left the New Sudan, cannot be traced or refused to comply with the provisions of this subsection, may on payment of the prescribed fees, cause the vehicle to be registered in the name of the new owner.

3) Subsections (1) and (2) shall not apply to a change of possession, consequent on a contract of hire where the period of hire does not exceed three months or where the registered owner continues to employ and pay the driver of the vehicle.
4) Application for registration of a new owner may be made before the actual transfer of the vehicle. The registration of the new owner shall not be effective until the registration book is surrendered and reissued by the Registrar.
5) Subsections (1), (2) and (4) shall not apply to any change of possession of a vehicle by reason of the vehicle being lawfully seized under a hire purchase agreement, but in such a case the following provisions shall apply:-

(i) The registered owner or his representative shall within fourteen days of the seizure, deliver the registration book to the person who seized the vehicle and inform the Registrar in writing on the change of possession.

(ii) Such person shall within fourteen days from the receipt of the registration book apply to the Registrar to be registered as the owner thereof in the place of the registered owner, and shall on payment of the prescribed fee be registered accordingly.

6) The Registrar shall, on the registration of the new owner, make the necessary amendments on the registration book and the Registrar if he deems it fit, may issue a new registration book.

Section 11. Motor Vehicle Exported or Imported Unlawfully:-

Not withstanding the provisions of this Act, a licensing officer shall not register a motor vehicle unless the owner satisfies that:-

1) The vehicle was lawfully exported from its country of origin or the Country in which it was last registered and that the owner is in possession of export permit in relation to the export of the vehicle as required by the law of the country of origin or the last registration; and
2) The vehicle was lawfully imported into the New Sudan.

Section 12. Exemption from Registration:-

The Commissioner may by notice exempt any vehicle, class or description of vehicles from registration under the provisions of this Chapter.

Section 13. Identification Plates:-

1) No motor vehicle or trailer registered under this Act, or driven under the authority of a general dealers license shall be used on the road unless there is fixed thereto in the prescribed manner, the prescribed number of identification plates of the prescribed design and colour on which is inscribed the identification mark of the vehicle or of the general dealer's licence.
2) Identification plates used under a general dealer's license may be suspended from the vehicle, and not fixed.

Section 14. Production of Registration Book:-

The owner of a vehicle shall whenever requested by a police officer produce for inspection immediately or within a specified period, the registration book issued in respect of the vehicle.

Section 15. Penalties:-

Any person who contravenes or fails to comply with the provisions of this Chapter commits an offence and shall on the first conviction be liable to a fine not exceeding Ls. 30 or to imprisonment for a term not exceeding three months and on each subsequent conviction to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding six months or with both.

Chapter 3

Licensing of Vehicles

Section 16. Vehicles to be Licensed:-

1) No person shall own or possess a vehicle or use it on a road unless such vehicle is licensed in accordance with the provisions of this Chapter.
2) Where the owner or the person in possession of a vehicle gives a written notice to the Registrar that he does not within a specified period, intend to use such vehicle on the road or where he satisfies the Registrar that such a vehicle was not within a specified period used on any road, he shall not be, after the receipt of such notice by the Registrar or after the Registrar is so satisfied, be convicted under this section by reason only of his possession or ownership of the vehicle during the stated period.
3) The Commissioner may by notice exclude any vehicle or any class or description of vehicle, from all or any provisions of this section.

Section 17. Application for License:-

Application for licence under this chapter shall be made to the licensing officer in the prescribed form accompanied by the fee payable and the vehicle registration book.

Section 18. Conditions for Issue of Licence:-

1) A licensing officer shall issue a licence only if he is satisfied that:-
   (i) the vehicle is duly registered; and
   (ii) the particulars in the registration book are correct; and
   (iii) the vehicle is insured against third party risks; and
   (iv) the licence in respect of such vehicle has not been cancelled or suspended under section 107 of this Act.

2) Before issuing a licence in respect of any vehicle of a class prescribed for the purposes of this subsection, the licensing officer shall require the applicant to produce an inspection report showing that the vehicle was examined by the inspector, during the month immediately preceding the commencement of the licence and that the vehicle complies with the provisions of this Act and of any rule thereunder.

No inspection report shall be required in the case of a vehicle which is intended to be used as a bus and in respect of which a certificate of fitness had been issued and dated not earlier than ten months before the commencement of the licence, is produced.

3) Where the owner of the vehicle is required to have it examined by an inspector, he shall make application in the prescribed form, and after payment of the prescribed fees, the inspector shall examine the vehicle and issue an inspection report in the prescribed form.

Section 19. Vehicle Inspection Certificate:-

1) Where:-
   (i) an inspector issues an inspection report for the purposes of section 18 (2) showing that a vehicle complies with the provisions of this Act, and any rules made thereunder; or
   (ii) an inspector issues a certificate of fitness in respect of a public service vehicle,

He shall affix to the vehicle in the prescribed manner an inspection certificate in the prescribed form.

2) The inspection certificate shall relate to and bear the same number as the inspection report or certificate of fitness.

3) No vehicle or a class prescribed for the purposes of section 18 (2) shall be used on a road unless an inspection certificate which is:-
   (i) valid and in force at the time;
   (ii) legible and in no way defaced or mutilated;
   is affixed to the vehicle.

Section 20. Form of Licenses:-

Every vehicle licence shall be in the prescribed form.

Section 21. Fees and Duration of Licences:-

1) Vehicle licenses, other than a general dealer's license, may be issued for such period and upon payment of such fees as may be prescribed.
2) The holder of a vehicle licence, other than a dealer's general licence, shall on surrendering it for cancellation to the Registrar, be entitled to such refund as may be prescribed.

Section 22. Licence to be carried on Vehicle:-

Every licence issued in respect of a motor vehicle shall be carried in a prominent position of the front of such vehicle, either in a holder of a pattern approved by the licensing authority or affixed to the windscreen in such a manner that it shall be visible and legible.

Section 23. Duplicate Licence:-

If a vehicle licence is lost, defaced, mutilated or rendered illegible, the Registrar shall issue a duplicate licence on payment of the prescribed fees.

Provided that a licence lost and subsequently found shall forthwith be returned to the Registrar for cancellation.

Section 24. New Licence to be Applied for in certain Circumstances:-

1) The holder of a vehicle licence shall apply for a new licence where:-
   (i) he desires to use the vehicle for any other purpose other than authorized by the licence; and
   (ii) the vehicle is so altered that a higher duty or a duty of a different class is required.
2) A new licence under this section shall not be issued unless the old licence is surrendered. In respect of every new licence there shall be deducted from the fee payable, a refund calculated in like manner as is provided in section 21 (2) of this Act.

Section 25. Dealer's General Licence:-

1) The licensing authority may issue to a dealer in or manufacturer or repairer of vehicles, upon application in the prescribed form and upon payment of the prescribed fees, such number of general dealer's licences, as the applicant may require and with each such licence shall be issued two identification plates.
2) Subject to the provisions of sections 26, 27, 28 and 29 of this Act, and to any other conditions which may from time to time be prescribed, the holder of a dealer's general licence shall use the licence only in respect of vehicles in his possession, and shall not use more than one such vehicle under the authority of one licence at any one time.

Section 26. Use of Dealer's General Lience:-

1) No vehicle shall be used on any road under the authority of a dealer's general licence:-
   (i) to convey passengers or goods for profit or reward;
   (ii) to carry or convey goods whatsoever except such load as may be necessary for the purpose of testing the vehicle and no such load or part thereof shall be removed from the vehicle at any time between the departure from and return to the loading place of the vehicle same in the case of an accident; or
   (iii) except with the written permission of the licensing authority, for any purpose other than:-
      a) for proceeding to or returning from any inspection, examination or test as provided for by this Act.
      b) for proceeding from the premises of a dealer to or from a train or thing to such premises; or
      c) for test or trial during or after completion, construction, assembly or repair; or
      d) for test or trial by or on behalf of an intending purchaser, or for proceeding to or from the place where the purchaser intends to keep it; or

e) for proceeding to or from a public weigh being for the purposes of its weight being ascertained or to or from a place for registration;
f) for exportation to any territory in East and Central Africa.
g) for proceeding from the premises of a dealer to the premises of a purchaser or of another dealer or manufacturers;
h) for towing a motor vehicle which broke down on a road and failed to proceed under its own power from the place where it broke down, to a place for repair or storage;
i) for proceeding to or returning from a workshop in which a body is to be or has been fitted to the vehicle or where the vehicle is to be or has been painted or repaired; or
j) for proceeding to and returning from an exhibition of vehicles.

2) In any proceedings under this section, the burden of proofing the fact of an event for the purposes of subsection (1) shall lie to the person charged.
3) No vehicle shall be used on any road under the authority of a dealer's general licence unless the holder of the licence or a person duly authorized by him accompanies the vehicle.
4) Not more than two persons, in addition to the driver, shall be carried within or upon such vehicle and such persons shall be limited to a prospective purchaser and his agent or a member of his family or in the case of a vehicle proceeding to or from an accident, two mechanics.
5) Upon the issue of a dealers general licence, the licensing authority shall issue a book to the dealer, in which he shall on each occasion and before such license is used complete in duplicate the entries for which provision is there in made. One copy of the entry shall remain in the book, and the other copy shall be carried on the vehicle during the whole of the journey to which such entries relate and shall be produced at any time during such journey by the driver, for inspection upon demand made by any police officer, licensing officer or inspector.
6) Such book shall be produced at all reasonable times for inspection by any police officer or licensing authority and shall be available for inspection at the place specified in the declaration made on the application for the general dealer's licence as the place at which the book will be kept.
7) No person shall mutilate or deface any such book or make any entry therein, which is to his knowledge is false or misleading, or alter or obliterate any entry made therein, or except as provided by this Act, make any entry therein or addition there or after its removal from such book make alter or obliterate any entry in any copy to be carried on the vehicle.

Section 27. Duration of Dealer's General Licence:-

1) A dealer's general licence shall continue in force until the 31st December from the date of issue.
2) Every dealer's general licence shall cease to be valid if the dealer ceases to carry on business in the town for which it was issued.
3) When a dealer's general licence expires or is cancelled, or ceases to be valid in accordance with the provisions of this Act, the holder of the licence shall deliver to the licensing authority the identification plates which were issued to him together with the licence.

Upon the expiry of the licence, the holder may retain the identification plates, issued with the licence if he applies and is issued with a new licence in respect of the same identification plates.

Section 28. Cancellation of Dealer's General Licence:-

1) The Registrar may at any time cancel a dealer's general licence for the breach of any of the provisions of this Act or any rules and regulations made thereunder.
2) The Registrar shall give notice of the cancellation to the holder of the licence and may make a refund calculated as provided under Section 21(2) of this Act.
3) Any holder of dealer's general licence, who is aggrieved by the decision of the Registrar under this Section may within 30 days from the date of the receipt of the notice of cancellation, appeal to the High Court.

Section 29. Dealer's General Licence not transferable without authority:-

1) A dealer's general licence shall not be used for any purpose other than a purpose provided for in this Act.
2) A dealer's general licence shall not be transferred or assigned to any other person without prior authorization of the Registrar.

Section 30. Penalties:-

1) Any person who contravenes or fails to comply with any of the provisions of this chapter commits an offence and shall on the first conviction be liable to a fine not exceeding Ls. 30 and in default of payment to three months imprisonment, and on any subsequent conviction to a fine not exceeding Ls. 60 or six months imprisonment or with both.
2) If any person is convicted of an offence under this chapter, the court may suspend or cancel the licence as the case may be.

Chapter 4

Driving Licences.

Section 31. Drivers to be Licensed:-

1) No person shall drive a motor vehicle of any class on a road unless he is a holder of a valid driving licence or a provisional driving licence endorsed in respect of that class of vehicles.
2) No person who owns or is in charge of a motor vehicle of any class shall cause or permit any person to drive such motor vehicle unless that person is the holder of a valid driving licence, a valid provisional driving licence endorsed in respect of that class of motor vehicles.
3) No person shall be entitled to more than one driving licence, but a driving licence may be endorsed to permit the holder to drive one or more classes of motor vehicles.

4) Driving licences shall be issued and upon expiry, renewed on production to the licensing authority upon payment of the prescribed fee and a driving licence so issued or renewed shall be said to be valid for a period of twelve months or three or five years from the date of issue or renewal as the holder may decide.

5) In the event of any changes affecting the accuracy of any particulars declared under Section 32 (1) or which would operate to prevent the grant of a driving licence under that section, the holder of the driving licence shall forthwith inform the Registrar of the change.

6) Any person who contravenes or fails to comply with the provisions of this Section commits an offence and shall:-
   (i) on the first conviction be liable to a fine not exceeding Ls. 60 or imprisonment for a term not exceeding three months; and
   (ii) on subsequent conviction to a fine not exceeding Ls. 120 or to imprisonment for a term not exceeding six months or with both.

Section 32. Conditions for Granting Driving Licences:-

1) The licensing authority shall not grant an applicant a driving licence endorsed in respect of any class of motor vehicles unless the applicant:-
   (i) satisfies the licensing officer that he has passed a test of competence to drive that class of motor vehicles or that he holds a certificate for that class of motor vehicles, or is the holder of a valid driving licence for that class of motor vehicles granted by a competent authority outside the New Sudan where such driving licences are granted only after a prescribed test has been passed or is the holder of an international driving permit.
   (ii) makes a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability which is likely to cause driving by him of a motor vehicle or the class as he would be authorized by the licence to drive, to constitute a potential danger to the public; and
   (iii) is able to read with glasses, if worn, a vehicle identification plate at a distance of twenty five meters.

2) If it appears to the licensing authority that there is reason to believe that an applicant for any driving licence is suffering from disease or any physical disability likely to cause the driving by him of a motor vehicle of the class or classes in respect of which the application for a licence is made, to be a source of danger to the public he may refuse to grant such licence unless the applicant:-
   (i) produces a certificate from a medical practitioner stating that the applicant is physically fit to drive the class or classes of motor vehicles in question; and
   (ii) undergoes and passes a driving test.

3) Any person aggrieved by the refusal of the licensing authority to grant him a licence, may appeal to the High Court.

Section 33. Provisional Driving Licences:-

1) Not withstanding the provisions of Section 32 (1) above the licensing authority may grant an applicant for a driving licence, a provisional driving licence endorsed in respect of any class or classes of motor vehicles, which if he held a driving licence he would be entitled to drive in order that the applicant may learn to drive such class or classes of vehicles.
2) Whenever the driving licence of any person is cancelled or suspended, the licensing authority may on application, as soon as the period of suspension or cancellation is over grant to such applicant, a provisional driving licence endorsed in respect of any class or classes of vehicles which, if he held a driving licence, he would be entitled to drive with a view to the holder passing any necessary test.
3) Provisional driving licences shall be valid for three months only but may be renewed for further periods on payment of the prescribed fee.
4) Any person holding a provisional driving licence driving a motor vehicle shall comply with all the conditions as shall be prescribed.

Section 34. Grant of Driving Licences:-

1) A driving licence or provisional driving licence shall be granted to a person of eighteen years of age or above.
2) A driving or provisional driving licence shall be endorsed in respect of mini-buses and buses if:-
   (i) the applicant is above 24 years of age; and
   (ii) has for not less than four years held a driving licence endorsed in respect of motor cars or commercial vehicles.

Any person who satisfies the licensing authority that he had before commencement of this Act, been in possession of a licence authorizing him to drive a motor vehicle in the New Sudan, shall subject to Section 32 (2) and not withstanding the provisions of this Section, be entitled to receive a licence in respect of the same class or description of vehicles which he is by such licence authorized to drive.

3) If the applicant for a driving licence fails to produce his birth certificate, the opinion of the licensing officer shall be conclusive as to the person's age.

Section 35. Form of Application:-

1) Applications for driving licences and provisional driving licences, shall be made to the licensing officer in the prescribed form, accompanied by the prescribed fees and the particulars required in such form shall be signed by the applicant.
2) Subject to the provisions of Section 31 (3) any person holding a driving licence endorsed in respect of any class of motor vehicles who wishes his licence endorsed in respect of any other class or classes of vehicles, shall apply to the licensing officer in the prescribed form and pay the prescribed fee. The particulars and declaration in such form shall be signed by the applicant.

Section 36. Issue of Driving Licences to members of Regular Forces:-

Notwithstanding the provisions of this Chapter the Commissioner may make rules and regulations prescribing special terms and conditions for the issue of driving licences to members of the regular forces or any foreign force lawfully present in the New Sudan for the purpose of driving service vehicles, while on duty and he may in such rules order that such licences be issued without fee.

Section 37. Production of Driving Licence on Demand:-

1) Any person driving a motor vehicle on a road shall carry his driving licence or his provisional driving licence, and on being so required by a police officer produce it for examination.
2) For the purposes of this section "driving licence or provisional driving licence" includes such other evidence as will satisfy the police that there is no contravention of section 31 of this Act.
3) Any person who contravenes or fails to comply with the provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding Ls. 2.

Section 38. Form of Driving Licence:-

1) Driving licences and provisional driving licences shall be in the prescribed forms and there shall be affixed to each licence a photograph of the licence holder which shall be impressed with the official stamp of the Registrar.
2) The signature of the licence holder shall also be affixed to the licence.
3) No person shall use a mutilated or defaced driving or provisional driving licence.
4) A driving licence issued to any person suffering from any disease or disability to whom under, Section 32, a licence has been issued with conditions as may be decided by the licensing officer. The restrictions and conditions shall be entered on the licence, which shall not be valid unless such conditions or restrictions are met or complied with by the holder of the licence.

Section 39. Duplicate Licences:-

1) If a driving licence or provisional driving licence is lost, defaced or mutilated the Registrar shall upon application made in the prescribed form and upon payment of the prescribed fee issue to the holder a duplicate driving licence or provisional driving licence.
2) Where any licence is lost and subsequently found, the holder shall forthwith deliver to the Registrar, such duplicate.

Section 40. Driving Tests:-

1) Driving tests for the purpose of this Act, shall be conducted by a driving test examiner.
2) Driving test shall be carried out in such a manner as the Commissioner may direct, but shall in any case include a test of the applicant's:

(i) knowledge of the rules of the road.
(ii) knowledge of any authorized road or highway.
(iii) physical fitness to drive a motor vehicle of the class for which the licence is required.
(iv) knowledge of the recognized road signals and road signs.

3) No person shall undergo a driving test unless he has paid the prescribed fee.

Section 41. Revocation of Driving Licence:-

1) Upon application by a police officer of or above the rank of Lt. Colonel, the Registrar may:-
   (i) revoke the driving licence of any person who appears in the opinion of the Registrar to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public; or
   (ii) order a fresh driving test in the case of any holder of driving licence who appears to the Registrar to be so deficient in driving ability as to be a source of danger to the public, and if the licence holder fails to pass such test, or the revocation of his licence.

2) Where the Registrar has revoked a driving licence under subsection (1) above, the owner of such licence shall deliver the licence to the Registrar who shall endorse on it the reason for its revocation.
3) The Registrar may restore a driving licence revoked under subsection (1) above, to the holder under the following conditions:-
   (i) in the case of a licence revoked under subsection (1) (i) if he satisfies the Registrar, by means of a certificate from a medical doctor that he is free from any disease or physical disability likely to cause the driving by him of a motor vehicle of the class or classes in respect of which his licence was revoked to be a source of danger to the public; and
   (ii) in the case of a licence revoked under subsection (1) (ii) if he passes the prescribed test for the class or classes of motor vehicles in respect of which his licence was originally granted.
4) Any person who is aggrieved by the revocation of a licence under this section may, appeal to the High Court.

Section 42. Penalties:-

Any person who contravenes or fails to comply with the provisions of this Chapter commits an offence and shall on conviction where there is no specific penalty provided shall:-
(i) for the first conviction be liable to a fine not exceeding Ls. 60 or three months imprisonment.
(ii) on subsequent convictions be liable to a fine of up to Ls. 120 or six months imprisonment or with both.

Chapter 5

Driving and Other Offences Relating To The Use of Vehicles on Roads.

Section 43. Speed of Motor Vehicles:-

1) No person shall drive or being the owner or the person in charge of vehicle, cause or permit any other person to drive a vehicle on a road at a speed higher than such speed as may be prescribed as the maximum speed for that class of vehicles.
2) On a vehicle subject to a speed restriction under subsection (1), expect a vehicle registered as a motor car or motor cycle, or a private hire vehicle there shall be painted or affixed to the rear as close as possible to the rear number plate and so as to be clearly legible, to a person within ten meters of the rear vehicle, a mark in the prescribed form indicating its maximum permitted speed in kilometres per hour.
3) No person shall drive or being the owner or person in charge of the vehicle cause or permit any other person to drive any vehicle at a speed exceeding fifty kilometres per hour on any road within the boundaries of any village, town or city.

Highway authority shall erect and maintain traffic signs to indicate to drivers entering or leaving such roads or areas where the fifty kilometres per hour speed limit restrictions begin and end.

4) Notwithstanding the provisions of subsections (1) and (3) the Commissioner may:-
   (i) impose on any road such lower speed limit as he considers necessary by reason of repairs, reconstruction or damage to the road or the condition of the road, for public safety or prevent damage to the road.

Such lower speed limit shall be imposed only for such period as is necessary to carry out repairs or construction or until the condition of the road is satisfactory.

   (ii) impose on any road or area permanently or provisionally as he considers appropriate, such lower limit of speed as may be necessary to prevent damage to the road or for the safety of the public, having regard to any permanent or temporary hazards such as the alignment or characteristics of the road, the width of street, nature of traffic or general development of the area.

While such lower speed limit is in force, under this subsection, indication of the maximum speed permitted shall be given by prescribed traffic signs, erected and maintained to indicate to drivers entering or leaving such restricted road, where the lower speed limit begins and ends.

5) The Commissioner may by notice delegate the powers conferred upon him by subsection (4) to a highway authority or other public body.

6) A delegation under subsection (5) may:-
   (i) be made subject to such conditions exceptions and limitations as specified in the notice;
   (ii) be made generally or with respect to any particular road or area; and
   (iii) be revoked or varied by a subsequent notice made in like manner.

This delegation shall not prevent the Commissioner from exercising any of the powers so delegated.

7) The provisions of this section or of any other Act, shall not apply on motor vehicles being used for fire brigade, ambulance or police purposes if the observance of such provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.
8) Nothing in subsection (7) authorizes any person to use a motor vehicle for fire brigade, ambulance or police purposes in contravention of any other provisions of the Act.

Section 44. Penalties Relating to Speed:-

1) Any person who contravenes or fails to comply with the provisions of section 43 above, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 30.
2) Conviction for an offence under this section shall render the offender liable for disqualification from holding or obtaining a licence, in the first conviction for one month and in the second or subsequent convictions for three months.

Section 45. Driving Under Influence of Drink:-

1) Any person who drives or attempts to drive or is in charge of a motor vehicle on a road or other public place, while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 240 or with imprisonment for a term not exceeding two years or with both.
2) Without prejudice to the powers of the Court to order a longer period of disqualification, any person convicted of an offence under subsection (1) of this section, shall be disqualified from holding or obtaining a licence for a period of one year from the date of conviction.

Section 46. Prohibition of Drinking When Driving or in Charge of Public Service Vehicle:-

1) Any person while driving or in charge of a public service vehicle, who drinks or takes any intoxicating liquor or drug commits an offence and shall on conviction be liable to a fine not exceeding Ls. 30 or imprisonment for a term not exceeding two years or with both.
2) Any body who gives to any driver or person in charge of public service vehicle while on duty any intoxication liquor whether for reward or not commits an offence and shall on conviction be liable to the same penalties under subsection (1) of this section.

Section 47. Causing Death by Driving or Obstruction:-

1) Any person who causes the death of another by driving a vehicle on a road recklessly or at a speed or in a manner dangerous to the public, or by leaving any vehicle on a road in such a position, manner or condition as to be dangerous to the public, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding ten years.
2) The Court may exercise its powers under chapter 9 to cancel the driving licence or the provisional driving licence held by the convict and declare the convict disqualified for holding or obtaining a driving licence for a period of three years from the date of his conviction or the end of any prison sentence imposed under this section, whichever is the later.

Section 48. Reckless Driving:-

1) Any person who drives a motor vehicle on a road recklessly or at a high speed or in a manner dangerous to the public, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 120 or imprisonment for a term not exceeding six months or with both.
2) The Court may exercise its powers under chapter 9 to cancel the driving licence or the provisional driving licence held by the convict, and declare the convict disqualified to hold or obtain a driving licence for such period as it thinks fit.

Section 49. Causing Death by Negligence by Driving or Obstruction:-

Upon the trial of a person who is charged with causing death by negligence in connection with the driving of a motor vehicle by him or with an offence under section 47 if the Court is satisfied that such person is guilty of an offence under section 48, he may be found guilty of such offence under this section.

Section 50. Careless Driving:-

1) Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road commits an offence and shall on conviction:-
   (i) for the first offence be liable to a fine not exceeding Ls. 60 or imprisonment for a term not exceeding three months.
   (ii) for a second or subsequently offences to a fine not exceeding Ls. 120 or imprisonment for a term not exceeding six months or with both.
2) A first or second conviction for an offence under this section, shall not render the convict disqualified for holding or obtaining a driving licence or provisional driving licence for a longer period than in the case of first conviction one month, and three months in the case of second conviction.

Section 51 Traffic Signals and Signs:-

1) The driver of a vehicle shall at all times:-

   (i) obey any directions given, whether verbally or by signal by any police in uniform in the execution of his duty; and
   (ii) conform to any indications given by any traffic sign; and
   (iii) stop his vehicle on being so required by police in uniform; and
   (iv) when any person in charge of any cattle raises his hand or gives a signal to stop, shall stop his vehicle and keeps it stationary for as long as reasonably necessary.

2) Any person who contravenes or fails to comply with any of the provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding three months and on each subsequent conviction to a fine not exceeding Ls. 120 or imprisonment for a term not exceeding six months or with both.

Section 52. Offences Relating to Parking Bays:-

1) Any person, being the driver of a vehicle in a parking bay or area, who:-
   (i) leaves the vehicle for a period in excess of the time prescribed by any traffic sign relating to that bay or area; or
   (ii) contravenes or fails to comply with any traffic sign relating to that bay or area as to the manner in which vehicles shall stand in, or be driven into or out of the bay or area, commits an offence and shall, on conviction be liable to the penalties prescribed under section 79 of this Act.
2) In relation to an offence under subsection (1) reference to a driver shall be construed as reference to the person who was driving the vehicle at the time it as left in the parking bay or area.
3) Where the driver of a vehicle is charged of an offence under subsection (1):-
   (i) the owner of the vehicle shall on demand furnish the police with any information that may be required from him that may lead to the identification of the driver.
   (ii) any other person shall if required as aforesaid give any information which may lead to the identification of the driver.
4) Any person who fails to comply with:-
   (i) the requirements of subsection (3) (i) commits an offence, and unless he shows, to the satisfaction of the Court, that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was; and
   (ii) the requirements of subsection (3) (ii) commits an offence.

Section 53. Parking of Vehicles Carrying Explosives, Petroleum .. etc.

1) No vehicle carrying explosives, ammunitions, petroleum or any inflammable substance shall remain stationery for more than twenty minutes within a city town or village except:-

(i) when unloading; or
(ii) in an area designated by the highway authority for parking of such vehicles.

2) Any person, in contravention of subsection (1) who parks or leaves a vehicle or when in charge of a vehicle allows it to remain stationary for more than twenty minutes, commits an offence and shall on conviction be liable to the penalties prescribed under Section 79 of this Act.

3) The provisions of this Section do not apply to:-
(i) petroleum in the fuel tank of a vehicle.
(ii) petroleum having a flashing point below 23, degrees centigrade.
(iii) petroleum having a flashing point of 23 degrees centigrade or above in a quantity not exceeding 90 litres.

Section 54. Obstruction:-

1) No vehicle shall remain in any position on any road so as to obstruct or to be likely to obstruct or cause inconvenience or danger to other traffic using the road and every vehicle on a road, when not in motion, shall be drawn up as close to the side of the road as possible.

2) The driver of any vehicle shall in case of a breakdown, remove the vehicle from the road as soon as possible and until so removed, the vehicle shall be placed as close to the side of the road as possible and as the vehicle remains on the road between the hours of 06:00 pm and 06:00am, its position shall be clearly indicated by lights visible to drivers of vehicles approaching from either direction.

3) If any part of the vehicle remains on or near the road in a position so as to obstruct or to be likely to obstruct or to cause or to be likely to cause inconvenience or danger to other traffic using the road, the driver shall place on the road not less than fifty meters from the vehicle, two read reflecting triangles one ahead of the vehicle and the other behind it, so that each is clearly visible to drivers of vehicles approaching from ahead or behind as the case may be.

4) Any person who contravenes or fails to comply with the provisions of this section commits an offence and shall on conviction be liable to a fine not exceeding Ls. 300 or with imprisonment for a term not exceeding two years or with both.

Section 55. Racing, Pace Making and Trial of Speed:-

1) No person shall, without the written consent of the Highway authority and the Inspector General of Police promote or take part in any race or trial of speed between vehicles on a road.

2) A person convicted under this Section shall unless the Court otherwise directs and without prejudice to the powers of the Court to order longer period of disqualification, be disqualified for a period of one year with effect from the date of conviction, from holding or obtaining a driving licence.

Section 56. Condition of Vehicles:-

1) No vehicle shall be used on a road unless such vehicle and all parts and equipment including lights and tyres comply with the requirements of this Act, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to constitute a danger to other users of the road or to persons travelling on the vehicle.
2) No motor vehicle the weight or dimensions of which laden or unladen exceeds the maximum weight or dimensions provided for such vehicles by rules made under this Act, shall be used on the road.

Section 57. Limitation of Loads:-

1) No vehicle shall be used on a road with a load higher than the load specified by the manufacturer of the chassis of the vehicle or the load capacity determined by the inspector under this Act.
2) No vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road, a person travelling on the vehicle, and should any load or part of it fall from any vehicle on to a road, that shall be prima facie evidence that the vehicle was loaded in a dangerous manner, until the contrary is proved to the satisfaction of the Court.
3) For the purposes of this Section a person travelling on a vehicle shall be deemed to be part of the load.

Section 58. Exemptions:-

1) A highway authority may grant a permit subject to such conditions as may be specified therein:-
   (i) for the use of a vehicle on a road the weight and dimensions of which exceed the maximum weight or dimensions provided for by rules made under this Act;
   (ii) for the carriage by a vehicle on a road of any specified load which is unlawful to place on the vehicle under the provisions of any rules made under this Act.
2) A permit granted under this Section shall be in writing and shall be carried on the vehicle in question whenever used under the authority of that permit.

Section 59. Penalty for Improper Condition or Overloading:-

1) Any person who drives or uses on a road a vehicle in contravention of the provisions of Sections 56 and 57 of this Act, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 100 or to imprisonment for a term not exceeding nine months or with both.
2) For the purposes of subsection (1) any person who is proved to the satisfaction of the Court to be responsible for the maintenance or to have been responsible for the loading of the vehicle, shall be deemed to have used the vehicle on the road.
3) In case of subsequent conviction under Sections 56 and 57 the Court may order suspension of the licence of the vehicle for a specified period.

4) No vehicle licence shall be returned or new licence granted in respect of a vehicle where licence has been so suspended unless an inspector satisfies that the vehicle is fit in all respects for use on the road.

Section 60. Obstructing Driver of Motor Vehicle:-

1) No person in a motor vehicle shall molest or obstruct the driver of the motor vehicle while it is on motion.
2) Passengers shall not be carried in such numbers or in such positions as to be likely to interfere with the safe driving of vehicle and in case of contravention the driver and the person in charge of the vehicle commit an offence.
3) No person driving a motor vehicle shall be in such a position that he can not control the same or obtain a full view of the road and traffic ahead and behind.

Section 61. Restrictions on Pillion Riding:-

1) More than one person in addition to the driver, shall not be carried on any two wheeled motor cycle, such one person shall be carried sitting astride the motor cycle and on a proper seat properly fixed to the motor cycle behind the driver's seat.
2) No person shall ride or be carried on any load upon a vehicle if such a proceeding is unsafe for such a person to stand or sit.
3) Any person who contravenes the provisions of this Section may be ordered by the police to move to a safe place or may order him off the vehicle.
4) Any person who refuses, delays or fails to comply with the order under subsection (3) commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 or to imprisonment for a term not exceeding one month.

Section 63. Restrictions on Persons being Towed:-

1) No person shall without authorization or reasonable cause, take or retain hold of or get on or off a vehicle which is in motion on a road.

Section 64. Causing Damage to Vehicle:-

1) No person shall throw any object at any vehicle or at any person in or on such vehicle nor shall he place any object nor by any means impede the progress of any vehicle whereby injury or damage might be caused to such vehicle or any person.

Section 65. Tampering with Motor Vehicle:-

1) No person shall without the knowledge or permission of the owner, or without reasonable excuse, tamper with any motor vehicle or trailer while it is standing on a road or parking place.

Section 66. Taking Vehicle without Consent:-

1) Any person, whether employed by the owner or not, who takes or drives away any vehicle without the consent of the owner or any other lawful authority, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 100 or to imprisonment for a term not exceeding nine months or with both.
2) In addition to the penalty under subsection (1) the Court may order the convict to pay to the owner of the vehicle, such fair compensation for any damage sustained by the owner of the vehicle.

Section 67. Unattended Vehicle:-

1) No person shall:-
   (i) leave unattended on a road any motor vehicle with the engine running;
   (ii) quit any vehicle without having taken due precautions against moving along the road from its standing position.

Section 68. Maximum Driving Hours:-

1) No person shall drive a public service vehicle or a commercial vehicle for more than a total of eight hours in any period of 24 hours.
2) Any person who contravenes or fails to comply with the provisions of subsection (1) commits an offence and shall:-
   (i) on the first conviction be liable to a fine not exceeding Ls. 100 or to imprisonment for a term not exceeding six months.
   (ii) on each subsequent conviction to a fine not exceeding Ls. 300 or to imprisonment for a term not exceeding two years, or with both.

The Court may also order the suspension of the driving licence for a period of thirty days and the suspension of public service vehicle licence for that vehicle for a period of not less than thirty days.

Section 69. Disqualification on Third Endorsement:-

Where a person within three years is convicted on not less than twice of offences of which particulars of the conviction have been endorsed on the driving licence held by him, the Court may disqualify the convict from holding or obtaining a driving licence for not less than six months or as the Court think fit.

Section 70. Penalties:-

1) Any person who contravenes or fails to comply with any of the provisions of this chapter commits an offence and shall on conviction, where no penalty is specifically provided:-
   (i) on first conviction to a fine not exceeding Ls. 60 or to an imprisonment for a term not exceeding three months; and
   (ii) on each subsequent conviction to a fine not exceeding Ls. 120 or to imprisonment for a term not exceeding six months or with both.

2) Any Court before which a person is convicted of any offence under this Chapter (except under Sections 51 (iv), 52 and 53) shall in addition to any other penalty specifically provided have the particulars of the conviction endorsed on the driving licence or provisional driving licence held by the convict.

Chapter 6

Regulation of Traffic.

Section 71. Traffic Rules:-

1) The Commissioner shall prescribe Traffic Rules for the guidance of persons using the road and may from time to time review these rules by revoking amending, varying or adding to the provisions thereof in such a manner as he thinks fit.
2) The traffic rules shall be laid before the National Liberation Council, which may pass, amend or revoke it accordingly, but in case of amendment or revocation, shall be without prejudice to anything previously done or suffered by virtue thereof.
3) Any person who contravenes or fails to comply with the provisions of the traffic rules commits an offence under this Act and may also be liable to any civil or criminal proceedings under any other law.

Section 72. Power to Regulate Traffic:-

Without prejudice to the powers and duties of the police under this Act or any other Act, it shall be the duty of the police:-

(i) to regulate traffic, keep order and prevent obstruction in all the roads, parking places and other places of public resort;
(ii) to divert traffic temporarily, as to restrict or close and deny public access to any road, parking place or other places of public resort, where emergency assembly or any other event appears to render advisable such a course.

Section 73. Traffic Signs:-

1) Subject to the provisions of this Act, and in conformity with any other directions that may be given by the Commissioner, a highway authority may cause or permit traffic signs to be placed on or near a road.
2) Traffic signs shall be of the prescribed size, colour and type except where the Commissioner authorizes the erection or retention of a sign of another character.
3) No traffic signs shall be placed on or near any road except under and in accordance with the provisions of subsection (1) and (2).

Section 74. Closure of Roads:-

1) The highway authority or its authorized representative may for public interest, close the whole or part of such a road to all vehicles or any particular type of vehicles at anytime for any period it thinks fit.

2) No driver, or person in charge of any vehicle shall drive or haul the vehicle or cause it to be driven or hauled over a bridge or any portion of a road which is closed to traffic and where a conspicuous notice is displayed to the effect that the road is closed, unless he has a written permission from the highway authority.

Section 75. Injury to Bridges and Roads:-

If any injury is caused to a bridge or road due to any contravention of this Act, the highway authority shall repair the road or bridge and recover the cost from the owner of the vehicle and the certificate of the highway authority, of the cost of repair, shall be conclusive evidence of the amount payable by such owner.

Chapter 7

Parking Places

Section 76. Power to Regulate Parking Places:-

1) A local authority may by regulations or by-laws:-
   - (i) designate parking places on roads, within its area of jurisdiction for vehicles or vehicles of any particular class or description having regard to both interests of the traffic and of owners and occupants of adjoining properties.
   - (ii) prescribe the manner in which vehicles shall stand in or be driven into or out of the designated parking places.
   - (iii) provided that a vehicle may not be left permanently in the designated parking place for longer than specified period.
   - (iv) provided that a vehicle which has been taken away from the space in which it was left in the designated parking place, shall not again be left in that designated parking place, until after the expiration of such interval as may be prescribed.
   - (v) empower an inspector or police or any other specified person to effect the moving, in case of emergency, of vehicles left in a designated parking place in contravention of this Chapter or any regulations or rules made thereunder, to suspend the use of a parking place or any part thereof when expedient and to provide for the temporary removal of a parking center.
   - (vi) provide the reservation of spaces in a parking place for the exclusive use of Commissioners, Deputy Commissioners, Directors General or Under Secretaries of Secretariats and heads of diplomatic missions.
   - (vii) provide for the removal from a parking place to a safe custody of any vehicle in respect of which any requirement of this Chapter has been contravened in relation to a parking place, and for the recovery of the cost of recovery and safe custody.
   - (viii) prohibiting or restricting the carrying on of trades or other activities or the doing of any other thing within the designated parking place.
   - (ix) prescribe anything which under this Chapter may be prescribed.

(x) make such incidental or consequential provisions as appears to the local authority requisite for the purpose of the satisfactory operation of a parking place or for giving effect to the provisions of this Chapter.

2) The regulations or by-laws made by local authority under subsection (1) above may provide for the use of lamps on motor vehicles parked elsewhere than in a designated parking place.

Section 77. Charges for use of Designated Parking Places:-

1) There shall be paid to the local authority in respect of a vehicle left in a designated parking place charges calculated as the local authority may prescribe.

2) The local authority may prescribe methods for payment of charges for vehicles left in the designated parking places.

Section 78. Exemptions:-

The following types or class of vehicles are exempted from payment of charges at the designated parking places:-

(i) police vehicles on duty;
(ii) ambulances on duty;
(iii) fire brigade vehicles on duty;
(iv) a vehicle waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
(v) a vehicle parked by reason of its breakdown for a period not exceeding two hours.

Section 79. Offences Related to Designated Parking Places:-

1) Where:-
   (i) a vehicle is left in a designated parking place and the charge incurred is not duly paid; or
   (ii) a vehicle is left in a designated parking place in contravention of any of the provisions of this chapter or any rules and regulations made there under relating to the manner in which vehicles shall stand in or be driven into or out of designated parking places; or
   (iii) a vehicle is left in a designated parking place, otherwise than as authorized by this Chapter or by any rules and regulations made there under;

   the driver of the vehicle, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 5 for the first conviction and in case of a second or subsequent convictions to a fine not exceeding Ls. 10 or one months imprisonment or with both.

2) The Court in addition to any penalty in respect of the offence, shall order payment of the charges due and not paid for the use of the designated parking place, and any sum ordered to be so paid shall be recoverable as a penalty.

3) Any person who contravenes any rules and regulations issued in accordance with the provisions of this Chapter, other than in the manner specified in subsection (1) above, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 5 or in case of a second conviction to a fine not exceeding Ls. 10 or imprisonment for a term not exceeding one month.

Section 80. Protection of Local Authority.

The exercise by a local authority of its powers under this chapter shall not make the local authority liable in respect of any loss or damage to any vehicle or to the contents of fittings thereof.

Section 81. Parking Elsewhere other than in Designated Parking Places:-

Without prejudice to its powers to make rules and regulations under Section 76 of this Act a local authority may:-

(i) provide parking places on roads or on other places under its control with its area of jurisdiction for vehicles or vehicles of any particular class or description including the provisions of bus station having regard to both the interests of the traffic and the interests of owners and occupiers of adjoining properties.

(ii) by rules and regulations provide in relation to such parking places for any matter which under Section 76 (1) may be provided for in relation to designated parking places and impose charges for the use of parking places so provided and provide penalties for the contravention of the rules and regulations.

Chapter 8

Accidents

Section 82. Duty to Stop and Report:-

1) In case of an accident whereby injury or damage is caused to a person, vehicle or cattle, the driver of the motor vehicle shall stop, and if required by a person, having reasonable grounds so to require, give his name and address and the name and address of the owner and the identification marks of the vehicle.
2) Any other person in the vehicle at the time of the accident shall also, if required to do so, give his name and address.
3) If in such accident, the driver of the motor vehicle does not for any good reason, give his name and address to such person or if any injury has been caused to any person or cattle – the driver shall report the accident to the police station or to the nearest available police office, and in any case within 24 hours of the occurrence of the accident.
4) In case the driver escaped after the accident the owner of the motor vehicle or the person in charge of the vehicle shall furnish the police with all the information necessary for the identification of the driver involved in the accident.

Section 83. Inspection of Vehicle Involved in an Accident:-

Any police officer may inspect any vehicle with which an accident occurred and for that purpose may enter at any reasonable time, any premises where the vehicle is parked. Any person who obstructs such police officer, in the performance of his duty under this Section, commits an offence.

Section 84. Penalties.

Any person who contravenes or fails to comply with any of the provisions of this Chapter commits an offence and shall:-

(i) on the first conviction be liable to a fine not exceeding Ls.30 or to imprisonment for a term not exceeding three months; and
(ii) on each subsequent conviction, to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding six months or with both.

Chapter 9

Suspension, Cancellation and Endorsement of Driving Licences.

Section 85. Powers of Court:-

1) Any Court before which a person is convicted of any offence in connection with the driving of a motor vehicle may:-

   (i) suspend the driving licence or the provisional driving licence, as the case may be, for such period as the Court thinks fit, or cancel the licence and declare the convict disqualified for holding or obtaining another licence for a stated period;
   (ii) if the convict holds a driving licence, suspend the licence until such time as the person passes a driving test;
   (iii) if the convict does not hold a driving licence or a provisional driving licence, declare him disqualified for obtaining a licence for a stated period;
   (iv) not limit any suspension, cancellation or disqualification imposed under this Section to the driving of a motor vehicle in relation to which the accident was committed.
   (v) without prejudice to the provisions of Section 70 (2) of this Act, if the convict is a holder of a driving licence, order that the particulars of the conviction be endorsed thereon.

2) Where a Court disqualifies a person for obtaining a driving licence till he passes a driving test, the licensing officer shall issue to such person on application and after payment of the prescribed fee, a provisional driving licence.

3) An order disqualifying a person from driving shall be deemed to be an order disqualifying him from neither obtaining a driving licence nor a provisional driving licence.

Section 86. Right of Appeal:-

An appeal shall lie against any order made by a Court under Section 85 of this Act, In the same manner as against a conviction and the Court making the order, or the Court to which the appeal lies may on application for stay of execution suspend the operation of the order pending determination of the appeal.

Section 87. Cancellation of Driving Licence:-

1) Wherever a Court has under any of the provisions of this Act, ordered the suspension of a driving licence or provisional driving licence, the licence shall be deemed cancelled for the period of suspension.
2) On the application of any person where licence is cancelled for a new driving licence, the licensing officer shall treat this licence in respect of a class or classes of vehicles and shall in no circumstances issue him with a driving licence until he has passed the prescribed test.
3) Without prejudice to the provisions of issue of driving licences, the possession of a driving licence or certificate of competence issued by a competent authority, shall not in any case, exempt an applicant for a driving licence from passing the prescribed driving test, if such applicant has been disqualified to hold or obtain a driving licence.

Section 88. Production of Driving Licence:-

1) Where a person is charged with an offence under this Act, for which the penalty may be or includes disqualification for holding or obtaining a licence or suspension, cancellation or endorsement of licence, he shall, if he holds a driving licence, produce that licence to the Court which shall try the case.

2) When a person to whom subsection (1) above applies is charged with the offence, the police officer may demand from that person – the driving licence or provisional driving licence which he holds and if the licence is delivered the police officer shall deliver the licence to the trial Court.

3) Any person who contravenes or fails to comply with the provisions of subsection (1) above, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 and in default of payment to one month imprisonment.

4) Without prejudice to the provisions of subsection (3) above, a person convicted under this subsection in connection with the driving of a motor vehicle shall if he is a holder of a driving licence or a provisional driving licence produce such licence within such time as the Court may direct for the purpose of endorsement.

Section 89. Custody of Licence while Suspended or Cancelled:-

1) Where a Court ordered endorsement of particulars on a licence held by the convict, or where the Court ordered the cancellation of a driving licence or provisional driving licence, the Court shall notify the registrar of this conviction or order, and in case of cancellation shall endorse the licence retain it and send it to the registrar.

2) Where the suspension, cancellation or disqualification is limited to the driving of a particular class or description of motor vehicles the Registrar shall forth with issue to that person a new licence indication the class of vehicles the holder is authorized to drive.

Section 90. Fraudulent Application for Driving Licence:-

Any person disqualified for holding or obtaining a driving licence or provisional driving licence who applies or obtains such a licence while he is so disqualified, or if so disqualified, drives a vehicle, or any person who has been refused licence applies and obtains a licence without disclosing that he has been refused commits an offence and shall on conviction be liable to a fine not exceeding Ls. 30 or imprisonment for a term not exceeding three months, and the licence so obtained shall be cancelled.

Section 91. Particulars of Endorsement to be Inserted in the New Licence:-

On the issue of a driving licence or a provisional driving licence to any person, all the endorsements on the previous licence of that person shall be inserted in the new licence unless he has become entitled for a licence free from endorsement under section 93 of this Act.

Section 92. Applying for Licence without Disclosing Endorsement:-

Any person whose driving licence, or provisional driving licence is endorsed and who is not yet under section 93 to be issued a licence free from endorsement, obtains or applies for a licence without disclosing the endorsement, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 60 and in default of payment to imprisonment for a term not exceeding six months and any licence so obtained shall be cancelled.

Section 93. Issue of New Licence Free from Endorsement:-

Where a person whose driving licence or provisional driving licence has been endorsed and has during a continuous period of three years or more, had no other such order made against him, that person shall be entitled at anytime on application on payment of the prescribed fee to a new driving licence free from any endorsements.

Chapter 10

Offences by Drivers of Vehicles Other Than Motor Vehicles and Other Road Users

Section 95. Reckless Driving:-

Any person who on any road or public place, drives any vehicle other than a motor vehicle recklessly or at a speed or in a manner which is dangerous to the public, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding three months or with both.

Section 97. Carelessness while in Charge of Animals:-

Any person driving or conducting any cattle, dog or other animal, on any road, who fails to exercise reasonable care to keep it or them under proper control, or allows such cattle, dog or animal to become a danger or to the annoyance of the public, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 or imprisonment for a term not exceeding one month or with both.

Section 98. Restrictions on Riding Bicycles:-

1) Not more than one person shall be carried in addition to the rider on any bicycle, nor shall any such one person be so carried other than sitting on a carrier securely fixed to the bicycle or on a step especially fitted to carry a passenger.

2) No person shall carry on a bicycle a load which because of its size or the manner in which it is carried, is likely to be a danger or to the annoyance of the people using the road.

3) Any person who contravenes or fails to comply with the provisions of this Section commits an offence and shall on conviction be liable to a fine not exceeding Ls. 5 or to imprisonment for a term not exceeding one month or with both.

Chapter 11

Miscellaneous Provisions As to Roads

Section. Offences in Connection with Roads:-

1) No owner or person in charge of a vehicle drawn by animals shall allow an animal with a defective vision to be used for drawing such vehicle on a road.

2) No person shall do any of the following on a road:-
   (i) wilfully or negligently lead or drive any animal or vehicle on a footpath or road drain;

(ii) play any games to the annoyance, inconvenience or danger to the persons using the road;
(iii) wilfully obstructs the free passage of persons or vehicles along the road;
(iv) drive or conduct any vehicle drawn by animals without reins to guide the animal, unless a person leads the animal in such a way as to have proper control over it;
(v) when driving a vehicle, sleep while the vehicle is in motion;
(vi) allow any cattle to be at large without being under sufficient control so as to prevent them from damaging the road;
(vii) outspan any animals from a wagon or cart.

Section 100. No Person Shall use or Cause or Permit to be used on any Road:-

(i) any vehicle or trailer having ribbed, studded or spiked wheels or fitted with chains or crowler type metal track without permission.
(ii) any ox-drawn vehicle not fitted with pneumatic tyres except on a road set aside for ox-drawn vehicles or on a road where no alternative road in a reasonably usable condition exist for ox-drawn vehicles.
(iii) which has a bituminous surface, any vehicles the wheels of which are fitted with no skid chains or any device of a similar kind for a similar purposes.

Section 101. Non Liability of Highway Authority for Damages:-

1) The highway authority shall not be liable for any loss or damage which may be caused to any person or property due to condition of the road or failure of a road to sustain the weight of a vehicle.

2) The highway authority or the person whose property is damaged may recover compensation in damages in civil proceedings against the driver or owner of the vehicle.

Section 102. Penalties.

Any person who contravenes or fails to comply with any of the provisions of this chapter, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 or to imprisonment for a term not exceeding one month or with both.

Chapter 12

Public Service Vehicles.

Section 103. Public Service Vehicles to be Licensed:-

1) No person shall own, drive or be in charge of a public service vehicle on a road unless there is in relation to such vehicle valid public service vehicle licence issued under this Act.
2) Any person who contravenes the provisions of subsection (1) commits an offence and shall:-

(i) on the first conviction be liable to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding six months or with both.

(ii) on a second or subsequent convictions to a fine not exceeding Ls. 200 or to imprisonment for a term not exceeding one year or with both.

Section 104. Application for Public Service Vehicle Licence:-

1) An application for the licensing of any motor vehicle as a public service vehicle shall be made by the registered owner of the vehicle.
2) An application under subsection (1) shall be made to the licensing officer in the prescribed form and in the prescribed manner.
3) No public service vehicle licence shall be issued in respect of any motor vehicle:-
   (i) other than to the registered owner of such vehicle;
   (ii) which is not registered and licensed in accordance with the provisions of chapters 2 and 3 of this Act;
   (iii) which does not comply with the provisions of this Act as to construction, equipment and use;
   (iv) which is intended to be used as a bus, unless the owner of such vehicle is in possession of a valid road licence in respect thereof and unless such licence complies with the conditions attached to such licence;
   (v) which is intended to be used as a taxi, unless such vehicle has been registered as a taxi under any by-laws in force in a County or town;
   (vi) unless a certificate authorizing the issue of such a licence is granted to the applicant, by a police officer of or above the rank of Lt. Colonel who shall certify that the applicant is fit and a proper person to hold such a licence; or
   (vii) which has not been previously so licensed, or the construction of which has been attended modified in any way since it was last so licensed and which is intended to be used as a bus, unless the owner of the vehicle has obtained in respect thereof a certificate of fitness in the prescribed form signed by the licensing officer after payment of the prescribed fee;
   (viii) which is intended to be used as a mini-bus unless the vehicle has been inspected by an inspector, and has complied with the provisions of this Act, with regard to construction, equipment and use.

Section 105. Issue and Conditions of Licence:-

1) If the licensing officer is satisfied that the provisions of Section 104 (3) have been complied with, shall upon payment of the prescribed fee issue such licence as may be prescribed.
2) A public service vehicle licence shall be issued for such period as may be prescribed.
3) Every licence issued under this Section shall be carried on the vehicle to which it relates in the prescribed manner.
4) A public service vehicle licence shall not be transferred or assigned to any other person or vehicle.

5) Whenever the holder of any public service vehicle licence ceases to be the owner of the vehicle specified in the licence, he shall return the licence to the Registrar, and the vehicle shall from the date of such change of ownership cease to be licensed as a public service vehicle.

6) If any public service vehicle licence is lost or became illegible the owner of the licence shall where:-
   (i) the licence is illegible, apply to the Registrar for a duplicate and the Registrar shall after payment of the required fees issue a duplicate licence; and
   (ii) a public service vehicle licence which was lost is found, the holder of the duplicate shall deliver the duplicate to the Registrar, forth with.

Section 106. Drivers and Conductors to be Licensed:-

1) A person shall not drive or act as a conductor of a public service vehicle, on a road, unless he is licensed for the purpose under this Chapter and a person shall not employ or permit any person who is not so licensed so to do.

2) A person shall not be disqualified for:-
   (i) obtaining a driving licence for a public service vehicle unless he is under 24 years of age;
   (ii) obtaining a licence to act as a conductor of a public service vehicle unless he is under 18 years of age.

3) Upon application being made in the prescribed form, the Registrar, if he is satisfied that the information given in the application form is correct and that the applicant fulfilled and complied with such other conditions as may be prescribed, issue such licence.

4) In the event of a public service vehicle driver or conductor's licence is lost or rendered illegible, the holder thereof shall apply to the Registrar in the prescribed form which shall be accompanied by the prescribed fee for a duplicate thereof.

5) Where the lost licence is found the duplicate shall be returned to the Registrar, forthwith.

Section 107. Power to Cancel or Suspend Licence:-

1) Any licence issued under this chapter may be cancelled at anytime by the Registrar if he is satisfied that the holder of such licence or the condition of the vehicle in respect of which the licence was issued, such cancellation would be in the public interest, and upon receipt of such a notice of cancellation the licence holder shall forthwith deliver the licence to the Registrar.

2) Any Court that convicts any person under this Chapter, or any other offence relating to construction, equipment, condition or use of the public service vehicle may cancel such licence and or declare the convict disqualified for holding or obtaining another such licence for a specified period.

3) Any person aggrieved by the refusal, failure to grant or by the suspension, cancellation of a licence or disqualification to hold or obtaining a licence under this chapter or any limitations imposed there on by the Registrar or police officer, may appeal to the High Court. In this case the licence shall continue in force during the period of its validity pending disposal of the appeal.

Section 108. Passengers and Loads:-

1) In respect of any public service vehicle the Registrar shall determine the maximum number of passengers whether sitting or standing and the weight of luggage or goods allowed to be carried at anytime on such vehicle or on any vehicle of similar class or description.
2) If any public service vehicle carries more persons, luggages or goods, than it is licensed to carry, the driver, the conductor and the owner of the vehicle, commit an offence and shall on conviction by separately liable for a fine not exceeding Ls. 500 or to imprisonment for a term not exceeding three years or with both.
3) For the purposes of this Section:-
   (i) a child who is under the age of five years and does not occupy a seat alone shall not count as a person;
   (ii) any two children, each of whom is over five years of age, and under twelve years shall count as one passenger.

Section 109. Non Payment of Fare:-

1) Where a bus breaks down and delays for four hours or more, any passenger may alight from the bus and claim balance of the fair in respect of the uncovered part of the journey.
2) Any conductor who fails to refund the passenger under subsection (1) above commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 in addition to being ordered to repay the fare which shall be recoverable as a fine.
3) Any person who fails to pay any sum due from him by way of fare for accommodation in a public service vehicle commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 in addition to being ordered to pay the fare and cost which shall be recoverable as a fine.

Section 110. Regulation of Public Service Vehicles.

1) No person shall permit or cause any private hire vehicle to ply for hire on any taxi rank, road, car park or other public places.
2) No person shall own, drive or be in charge of any taxi unless such vehicle is painted in such colour or colours or is permanently marked in such manner as may be prescribed and no vehicle other than a taxi shall be painted or marked in the manner prescribed for a taxi.
3) The highway authority may after consultation with the police officer in charge of the area concerned, appoint stopping places where buses may set down and pick up passengers and no driver of any bus shall stop his vehicle on any road where stopping places have been provided, other than as such stopping places.
4) No person shall drive or permit to be used, a public service vehicle in a dirty or neglected condition.

Section 111. Touting:-

1) No person shall, for the purpose of obtaining passengers for any public service vehicle, make any noise, hoot or sound any instrument or do anything which causes or is likely to cause annoyance inconvenience or danger to the public.
2) Any person who contravenes of fails to comply with the provision of this section, commits an offence and shall on connection be liable to a fine not exceeding Ls. 20 and in default of payment to two months imprisonment and the Court may order the confiscation of the instrument used in the commission of the offence.

Section 112. Penalties:-

Any person who contravenes or fails to comply with any of the provisions of this Chapter commits an offence and shall on conviction where there is no penalty specifically provided be punished with a fine not less than Ls. 10 and not exceeding Ls. 300 or imprisonment for a term not exceeding two years.

Chapter 13

General

Section 113. Inspection of Vehicles:-

1) Any police officer may stop any vehicle and any police or licensing officer or inspector may:-
   (i) enter any vehicle;
   (ii) drive any vehicle or cause it to be driven;
   (iii) upon reasonable suspicion of any offence under this Act, order and require the owner of any vehicle to bring the vehicle to him.
2) Any person who fails to comply with any order or instruction given under this section commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 and in default of payment to imprisonment for a term not exceeding one month.

Section 114. Removal of Vehicles from Road:-

1) Where a vehicle is found abandoned on a road in contravention of the provisions of this Act, in a position likely to obstruct the traffic or cause danger to the other road users, it shall be the duty of the police officer or any inspector to take the vehicle or cause it to be taken to police station or other place of safety by such method, route and under such conditions as he may consider necessary.
2) Where the vehicle is downed, transported, repaired and driven or otherwise removed the owner of the vehicle shall bear all the expenses incurred on this process.

3) Where any vehicle is required to be examined and tested, to certify that the vehicle complies with the provisions of this Act the fee if any shall be paid by the owner of the vehicle.
4) Any person who fails to comply with the provisions of this Section, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 and in default of payment to imprisonment for a term not exceeding one month.

Section 115. Owner of Vehicle to keep List of Drivers Employed:-

1) Any person who employs any other person to drive a motor vehicle shall keep a written record of names addresses and numbers of driving licences of such persons.
2) Such record shall be kept for a period of six months after the date when such driver ceases to be his employee and such particulars shall be availed to any police officer on demand.
3) Any person who fails to comply with the provisions of this Section, commits and offence and shall on conviction be liable to a fine not exceeding Ls. 10 and in default of payment to imprisonment for a term not exceeding one month.

Section 116. Minor Traffic Offences:-

1) The Commissioner may prescribe:-
   (i) a schedule of minor traffic offences, which may be dealt with and prosecuted in accordance with the provisions of this section, and may for the purposes of this section, prescribe a maximum penalty which shall not exceed the penalty prescribed for such offence by this Act, for any of the scheduled minor offences to be dealt with and prosecuted; and
   (ii) a form of police notification of a traffic offence for use under this Act.

2) Notwithstanding the provisions of this or any other Act a police officer may serve a notification personally or by affixing the same prominently to the vehicle concerned, upon the owner or person in charge of motor vehicle reasonably suspected to having committed any of the scheduled minor offences. The police notification of a traffic offence in the prescribed form charging such person with the offence or offences indicated in the notification and requiring such person to attend court and answer such charges, on such date as shown on the notification.
3) Such notification as aforesaid shall for all purposes of this Act, be regarded as a summons issued under the Code of Criminal Procedure, 2003.
4) A copy of the notification shall be placed before the court by which the charge is to be dealt with at the time fixed for the attendance unless the court otherwise directs, such a copy may be used as a charge sheet.

5) If any person served with a notification who fails to attend the Court on the day and time specified in the notification, or to plead guilty and pay the maximum penalty in the manner indicated before such day, may be brought before the Court, either by summons or warrant, and unless he shows good cause to the contrary, commits an offence and shall on conviction be liable to a fine not exceeding Ls. 10 and in default of payment to imprisonment for a term not exceeding one month.

Section 117. General Penalty:-

1) Any person who contravenes or fails to comply with the provisions of this Act, or who acts in the contravention of or who fails to comply with the conditions of any licence, order demand, requirement or direction issued under or in pursuance of the provisions of this Act, commits an offence,
2) Any person convicted for an offence under this Act, for which no penalty is otherwise provided shall be liable:-
   (i) for the first conviction to a fine not exceeding Ls. 20 or to imprisonment for a term not exceeding one month.
   (ii) for the second or subsequent convictions to a fine not exceeding Ls. 60 or to imprisonment for a term not exceeding three months or with both.

Section 118. Local Authority may make By-laws or Regulations:-

1) A County authority or town council may make by-laws or regulations:-
   (i) for licensing supervision, inspection and regulation of taxis within its area;
   (ii) for fixing the number of taxis permitted to serve in the area;
   (iii) for licensing the drivers of such taxis;
   (iv) for prohibiting parting of taxis except for the picking up or depositing passengers or load in places other than on stands provided for taxis;
   (v) every local authority may make by-laws for controlling animal or human drawn vehicles or bicycles which are not licensed under the provisions of this Act.

Section 119. Rules and Regulations:-

1) The Commissioner may make rules and regulations prescribing:-
   (i) anything required by this Act to be prescribed;
   (ii) the forms to be used for any purpose of this Act;
   (iii) the weight of goods and number of passengers which vehicles may carry, the method by which seating capacity is to be determined and the gross weights of vehicles;
   (iv) the weight and size of vehicles which may be permitted on any class of roads and the manner in which if at all, vehicles whose weight size is in excess of the prescribed maximum weight or size may be allowed to use any road;
   (v) devices to be fitted to any class or type of vehicles for restricting their speed to a specified speed;

(vi) the standards for or inspection, approval calibration or testing of devices;

(vii) the construction and equipment to be carried by any class of vehicles and in particular, the type of tyres, lights and warning instruments to be carried by any class of vehicles any restrictions in the carrying or use of lights and warning instruments;

(viii) the shape, construction or any other qualities, types of helmets, or headdress which must be worn as affordable protection to person on motor cycles of different classes or descriptions, from injury in the event of an accident and prohibiting the manufacture or sale of helmets or headdresses which do not comply with such rules;

(ix) subject to such exceptions as may be prescribed the wearing of seat belts of such descriptions as may be prescribed by persons who are driving or ridding in any class or type of vehicles and the standards for construction of or approval of such seat belts;

(x) the carrying on any class of vehicles of any special identification plates;

(xi) the carrying on any class of vehicles of reflecting triangles and the construction of, standards for, approval or supply and fees to be charged for such triangles;

(xii) all matters relating to the inspection, registration, licensing, regulation and control of vehicles and to the conditions which may be imposed in regard thereto;

(xiii) all such matters relating to the regulation of establishments or persons engaged in teaching for gain, the driving of motor vehicles, as the Commissioner may deem necessary for the proper control of such establishments of persons, including the grant, revocation or variation of licences and appeals relating thereto. The testing of instructors, the inspection of vehicles and premises and the fees payable for any of the above matters;

(xiv) the regulation of the conduct of drivers and conductors of public service vehicles and the wearing by them of special badges and uniforms and the fees payable for any badges provided by any authority;

(xv) conditions of service and hours of work for employees of the owners of public service and commercial vehicles, the regulation of carriage of goods and luggage on public service vehicles;

(xvi) the rules of the road and the signals to be given and obeyed by the drivers of vehicles;

(xvii) all such matters as the Commissioner may deem necessary, for the establishment on roads and the regulation of the use of, crossings including the indication of such crossings by marks or devices on or near roadways or otherwise the precedence of vehicles and pedestrians respectively, and generally with respect to the movement of traffic at and in the vicinity of such crossings;

(xviii) 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 the New Sudan;

(xix) the conditions on which motor vehicles licensed outside the New Sudan, may be used within the New Sudan and conditions under which persons holding driving licenses or permits issued outside the New Sudan may be allowed to drive within the New Sudan;

(xx) measures for generally restricting or regulating the use of vehicles of any specified class or description between the hours 6.00 pm and 6.00 am;

(xxi) measures for generally restricting or regulating the use of vehicles in such manner as the circumstances and safety on the roads, may require and for further better or more convenient carrying out of any provisions of this Act;

(xxii) the penalties which may be imposed for the breach of such rules are:-

a) in the case of a first conviction a fine not exceeding Ls. 100 or imprisonment for a term not exceeding six months or with both;

b) in the case of a second or subsequent convictions a fine not exceeding Ls. 200 or imprisonment for a term not exceeding one year or with both.

2) In any case where the Commissioner has not prescribed a suitable form under subsection (1) (b) the Registrar may direct that a particular form be used for that particular purpose.

Section 120. Power to Suspend and Exempt from Provisions:-

The Commissioner may by notice, publish in the gazette, suspend, restrict, or limit the application of any of the provisions of this Act or of any by laws, rules and regulations made there under, either generally or in respect of any particular class or classes or description of vehicles for such period and subject to such conditions as he may think fit, and similarly, may exempt any vehicle or any class or classes or description of vehicles from all or any of such provisions.

Given under my hand this …….. day of ……. Year, 2003 A.D.

Dr. John Garang de Mabior
Chairman
SPLM/CANS