

THE ROAD TRAFFIC (AMENDMENT) ACT 2026

Act No. 15 of 2026

I assent

4th September 2026

DHARAMBEER GOKHOOL, G.C.S.K.
President of the Republic of Mauritius

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An Act

To amend the Road Traffic Act

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Road Traffic (Amendment) Act 2026.

2. Interpretation

In this Act –

“principal Act” means the Road Traffic Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended –

- (a) in the definition of “emergency vehicle”, by inserting, after the words “the Police”, the words “, the Mauritius Prison Service”;

- (b) by inserting, in the appropriate alphabetical order, the following new definitions –
 - “digital driving licence” means an electronic version of a driving licence which shall be in such form as may be prescribed;
 - “place of safety” means –
 - (a) the premises of a police station; or
 - (b) such other place of safety as the Commissioner of Police may approve;
 - “seals”, for the purposes of Part VIIIIB, includes such device as the Commissioner of Police may approve;

4. Section 46 of principal Act amended

Section 46 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “an up-to-date photocopy in the actual size of the original driving licence, showing the latest endorsement, if any” and replacing them by the words “digital driving licence”;
- (b) in subsection (3) –
 - (i) in paragraph (a), by deleting the words “an up-to-date photocopy in the actual size of the original driving licence, showing the latest endorsement, if any; or” and replacing them by the words “digital driving licence,”;
 - (ii) by repealing paragraph (b);
- (c) in subsection (4), by deleting the words “not exceeding 2,000 rupees” and replacing them by the words “of not less than 2,000 rupees and nor more than 10,000 rupees”.

5. Section 123B of principal Act amended

Section 123B of the principal Act is amended –

- (a) in subsection (1), by deleting the words “50,000 rupees” and “100,000 rupees” and replacing them by the words “100,000 rupees” and “250,000 rupees”, respectively;
- (b) in subsection (1A), by deleting the words “200,000 rupees” and “500,000 rupees” and replacing them by the words “400,000 rupees” and “800,000 rupees”, respectively;
- (c) by adding the following new subsection –

(3) Notwithstanding –

- (a) section 114 of the Courts Act; and
- (b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a District Court or the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may impose any penalty provided for that offence.

6. New section 123BA inserted in principal Act

The principal Act is amended by inserting, after section 123B, the following new section –

123BA. Causing death whilst driving without driving licence, provisional driving licence or international driving permit

(1) Where any person causes the death of another person by driving a motor vehicle on a road or any public place without being the holder of a driving licence, a provisional driving licence or an international driving permit, he shall commit an offence and shall –

- (a) on a first conviction, be liable to a fine of not less than 200,000 rupees nor more than 500,000 rupees and to imprisonment for a term not exceeding 5 years;

- (b) on a second or subsequent conviction, be liable to a fine of not less than 500,000 rupees nor more than one million rupees and to imprisonment for a term of not less than 12 months nor more than 8 years.

(2) Any person who is convicted of an offence under subsection (1) shall, in addition to any penalty provided for under subsection (1), be disqualified from holding or obtaining a driving licence in Mauritius for a minimum period of 5 years.

(3) Section 153 and Part X of the Criminal Procedure Act, the Probation of Offenders Act and the Community Service Order Act shall not apply to a person liable to be sentenced under subsection (1).

7. **Section 123D of principal Act amended**

Section 123D of the principal Act is amended –

- (a) in subsection (1), by deleting the words “50,000 rupees nor more than 100,000 rupees” and replacing them by the words “200,000 rupees nor more than 500,000 rupees”;
- (b) in subsection (1A), by deleting the words “200,000 rupees nor more than 500,000 rupees” and replacing them by the words “500,000 rupees nor more than one million rupees”.
- (c) by adding the following new subsection –

(3) Notwithstanding –

- (a) section 114 of the Courts Act; and
- (b) section 72(5) of the District and Intermediate Courts (Criminal Jurisdiction) Act,

a District Court or the Intermediate Court shall have jurisdiction to try an offence under subsection (1) and may impose any penalty provided for that offence.

8. Section 123L of principal Act amended

Section 123L of the principal Act is amended –

- (a) in subsection (2), by deleting the words “, were that person then driving or attempting to drive a motor vehicle on a road or other public place, he would not be committing an offence under section 123D or 123E” and replacing them by the words “the physical state of the person is no longer impaired”;
- (b) by adding the following new subsection –

(3) Where, pursuant to subsection (2), it appears to the police officer that the physical state of the person is no longer impaired, that person shall be dealt with in accordance with section 123LA.

9. Section 123LA of principal Act amended

Section 123LA of the principal Act is amended –

- (a) in subsection (1), by deleting the words “a police officer shall, at the earliest opportunity, make an application to a Magistrate, in such form as may be prescribed, for an order under subsection (4)” and replacing them by the words “he shall, at the earliest opportunity after his physical state appears to be no longer impaired, be brought before a Magistrate”;
- (b) by repealing subsection (2) and replacing it by the following subsection –

(2) Where a person is brought before a Magistrate pursuant to subsection (1), a police officer shall make an application, in such form as may be prescribed, for an order under subsection (4).

- (c) in subsection (3), by deleting the words “after hearing the person make, unless he thinks fit to do otherwise, an order referred to in subsection (4)” and replacing them by the words “after hearing evidence on oath, make an order pursuant to subsection (4) in the interest of public safety”;

- (d) by inserting, after subsection (3), the following new subsection –

(3A) Where any person is brought before a Magistrate under subsection (1) and the Magistrate is, for any reason, unable to reach a decision on the same day, he shall direct that person to surrender his driving licence, provisional driving licence or international driving permit until the Magistrate reaches a decision in the case.

- (e) in subsection (4) –

(i) in paragraph (a), by deleting the words “2 months” and replacing them by the words “6 months”;

(ii) in paragraph (b), by deleting the words “6 months” and replacing them by the words “12 months”;

- (f) in subsection (5), in paragraph (a), by deleting the words “within 5 days of the date of the order” and replacing them by the words “on the date of the order”.

10. Section 123AE of principal Act amended

Section 123AE of the principal Act is amended –

- (a) by deleting the heading and replacing it by the following heading –

123AE. Using handheld mobile phone or handheld interactive communication device

- (b) by repealing subsection (1) and replacing it by the following subsection –

(1) No person shall, whilst driving a motor vehicle or riding a cycle on a road or public place, use –

(a) a handheld mobile phone; or

(b) a handheld interactive communication device.

(c) by adding the following new subsections –

(4) In this section –

“interactive communication device” includes –

(a) any device used for –

- (i) providing access to the Internet;
- (ii) sending or receiving oral or written messages;
- (iii) sending or receiving facsimile or electronic documents; or
- (iv) sending or receiving still or moving images;

(b) a personal digital assistant, a laptop computer, a portable computing device, a pager or an electronic game.

(5) (a) Any offence committed under the repealed subsection (1) prior to the commencement of this subsection shall be so investigated as if subsection (1) had not been repealed.

(b) Any FPN served on a person in respect of an offence committed under the repealed subsection (1) shall, on the commencement of this subsection, be valid and sections 191, 192 and 193 shall continue to apply as if subsection (1) had not been repealed.

(c) A prosecution in respect of an offence committed under the repealed subsection (1) may, on the commencement of this subsection, be instituted under that repealed subsection as if subsection (1) had not been repealed.

(d) The Court shall, in respect of any prosecution under this subsection, have all the powers that it could exercise pursuant to the repealed subsection (1) as if subsection (1) had not been repealed.

11. New section 123AN inserted in principal Act

The principal Act is amended by inserting, after section 123AM, the following new section –

123AN. Road rage

- (1) Any person who, whilst being a road user –
 - (a) assaults or threatens to assault another road user;
 - (b) uses aggressive, threatening, violent, abusive or insulting words, or engages in aggressive, threatening, violent, abusive or insulting behaviour, towards another road user;
 - (c) uses an offensive weapon with the intention to cause harm to another road user;
 - (d) climbs or jumps on another road user's moving or stationary vehicle without having been authorised to do so;
 - (e) forcibly opens or attempts to open another road user's moving or stationary vehicle;
 - (f) damages another road user's property or moving or stationary vehicle;
 - (g) blocks, obstructs, hinders or restricts the free passage of another road user or vehicle on any road by any means, including through an illegal gathering, demonstration, sit-in, barricade or the placing of a vehicle or an object;
 - (h) causes public fear or commits an act likely to trigger an offence of public order or a breach of the peace,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees and to imprisonment for a term not exceeding 12 months.

(2) Where an act under subsection (1) starts on a road or public place and continues or ends in a private place, such act shall not cease to be an offence for the purpose of subsection (1).

(3) In this section –

“offensive weapon” means any article made, or adapted for use, or suitable for causing injury to a person, or intended by a person having it in his possession or under his control for that use by him or by some other person;

“road user” means a driver, a rider, a cyclist, a passenger, a pedestrian or any other person using a road or any other public place.

12. New Part VIIIB inserted in principal Act

The principal Act is amended, by inserting, after Part VIIIA, the following new Part –

PART VIIIB – SEIZURE OF MOTOR VEHICLES WHEN DRIVING OR CYCLING UNDER THE INFLUENCE OF ALCOHOL, DRUG OR INTOXICATING SUBSTANCE

123AO. Non-application of Part VIIIB

This Part shall not apply to –

- (a) State-owned motor vehicles, including vehicles of Government companies and statutory bodies; and
- (b) emergency vehicles.

123AP. Seizure of motor vehicle for offence under section 123E

(1) Notwithstanding sections 173 and 173A, where, pursuant to section 123E –

- (a) a breath test carried out pursuant to section 123F(1)(a)(i) or (c) indicates that the proportion of alcohol in a person’s breath, blood or urine exceeds the prescribed limit;

- (b) a drug test carried out pursuant to section 123G (2) indicates that the person is under the influence of a drug;
- (c) a person fails to provide a specimen of his breath for a breath test or specimens of breath for analysis, or a specimen of blood or urine, or both, for a laboratory test following a requirement under section 123F, 123G or 123H, but the police officer has, irrespective of whether or not a field impairment test is carried out, reasonable ground to suspect that the person's physical state is impaired; or
- (d) a person fails to undergo a field impairment test following a requirement under section 123G, but the police officer has reasonable ground to suspect that the person's physical state is impaired,

the police officer shall, in the interest and safety of the public, take custody of the motor vehicle and take or cause to be taken the motor vehicle to a place of safety.

(2) Where a motor vehicle is brought to a place of safety, the police officer shall affix seals to the motor vehicle, unless the physical state of the motor vehicle does not allow such seals to be affixed or is impracticable to do so.

(3) Where a motor vehicle is seized under this section, it shall remain under the control of the Police until –

- (a) it is released by order of the Commissioner of Police under section 123AR(3) or (4)(a); or
 - (b) it has been disposed of under section 123AS.
- (4) Any person who –
- (a) breaks or removes the seals affixed to a motor vehicle pending the order of the Commissioner of Police under section 123AR(3) or (4)(a);

- (b) removes a motor vehicle from the place of safety pending the order of the Commissioner of Police under section 123AR(3) or (4)(a); or
- (c) otherwise damages a motor vehicle whilst being in the place of safety,

shall commit an offence and shall, on conviction, be liable to a fine of not less than 50,000 rupees nor more than 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(5) Where a person is convicted for an offence under subsection (4), any expense incurred by, or on behalf of, the Commissioner of Police in relation to the offence shall be recoverable as a civil debt from that person.

123AQ. Seizure notice

(1) Where seals are affixed to a motor vehicle pursuant to section 123AP(2), the police officer shall, as soon as is reasonably practicable but not later than 2 days after seals are affixed, serve a seizure notice on the registered owner of the motor vehicle.

(2) A seizure notice shall, in respect of the motor vehicle to which it relates, be in such form as may be prescribed and shall contain, inter alia, the following information –

- (a) the name of the driver and the owner;
- (b) the registration number of the motor vehicle;
- (c) the place where, and the offence for which, the motor vehicle was seized;
- (d) the date on which the motor vehicle was seized;
- (e) the place and address where the motor vehicle is being kept;
- (f) the physical condition of the motor vehicle, with details of any dents or damage to the motor vehicle;

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- (g) the list of items and belongings in the motor vehicle at the time of seizure;
 - (h) the fees payable for the seizure, and release, of the motor vehicle;
 - (i) that the motor vehicle will remain seized until such fees are paid;
 - (j) the date by which, the place where, and the operating times during which, an application may be made to the Commissioner of Police for the release of the motor vehicle;
 - (k) the documents to be produced when applying for the release of the motor vehicle;
 - (l) that unless the motor vehicle is released on or before a given date, the motor vehicle may be disposed of by the Police; and
 - (m) such other information as the police officer may, in the circumstances, deem necessary.
- (3) A seizure notice shall be served –
- (a) in the case of an individual who is the owner of the motor vehicle –
 - (i) by delivering it to the owner; or
 - (ii) by sending it to the owner by registered post to his usual or last known place of address; and
 - (b) in the case of a company or any other entity which is the owner –
 - (i) by delivering it to the company's or other entity's usual or last known place of address; or
 - (ii) by sending it by registered post to the company's or other entity's usual or last known place of address.

123AR. Release of seized motor vehicle

(1) Where a motor vehicle is seized pursuant to this Part, the owner of the motor vehicle, or any other person authorised in writing by him, may apply to the Commissioner of Police, in such form as may be prescribed, for the release of the motor vehicle.

(2) An application under subsection (1) shall be accompanied by the non-refundable application fee as specified in the Fifteenth Schedule, together with the following documents –

- (a) the National Identity Card or passport of the owner or, where applicable, that of the person authorised to make the application;
- (b) the written authorisation to make the application on behalf of the owner, where applicable;
- (c) the original horsepower of the motor vehicle;
- (d) a valid certificate of insurance in respect of the motor vehicle; and
- (e) a valid certificate of fitness, where applicable, in respect of the motor vehicle.

(3) On receipt of an application under subsection (1), the Commissioner of Police shall cause the documents submitted by the applicant to be verified and subject to subsection (4), on being satisfied that the documents are in order, he may, on payment of the seizure fees and release fee as specified in the Fifteenth Schedule, together with towing fee, if any, issue a certificate of release ordering the release of the motor vehicle.

(4) (a) Where an applicant does not submit the original horsepower, a valid certificate of insurance or a valid certificate of fitness in respect of the motor vehicle, and the Commissioner of Police is satisfied that there is no such document in respect of that motor vehicle, the Commissioner of Police may, on payment of the seizure fees and release fee as specified in the Fifteenth Schedule, issue a certificate of release ordering the release of the motor vehicle.

(b) Where the Commissioner of Police orders the release of a motor vehicle pursuant to paragraph (a), the motor vehicle shall be towed at the cost of the applicant to such place as he may determine.

123AS. Disposal of motor vehicle

(1) Where a motor vehicle is not claimed by its owner within 3 months of being seized, the Commissioner of Police may, after giving one month's notice in 2 daily newspapers of his intention to do so, sell by public auction, or otherwise dispose of, the motor vehicle.

(2) Any proceeds from the sale or disposal of the motor vehicle shall be applied in payment of any fees or charges incurred in implementing this section.

(3) Any surplus shall be –

- (a) paid to the owner of the motor vehicle; or
- (b) where it is not claimed by the owner of the motor vehicle within 12 months after the date of its sale or disposal, forfeited to the Government.

123AT. Regulations under Part VIII B

(1) The Minister may, for the purpose of this Part, make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may provide –

- (a) for the levying of fees and taking of charges;
- (b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees; and
- (c) for matters connected, consequential and related thereto.

13. Section 125 of principal Act amended

Section 125 of the principal Act is amended by deleting the words “not exceeding 1,000 rupees” and replacing them by the words “of not less than 50,000 rupees nor more than 100,000 rupees”.

14. Section 134 of principal Act amended

Section 134 of the principal Act is amended, in subsection (2), by repealing paragraph (b) and replacing it by the following paragraph –

- (b) Any person who fails to comply with paragraph (a) shall commit an offence and shall, on conviction, be liable to a fine of not less than 25,000 rupees and nor more than 100,000 rupees.

15. Section 173 of principal Act amended

Section 173 of the principal Act is amended, in subsection (1), by deleting the words “Where a person is found” and replacing them by the words “Subject to Part VIIIB, where a person is found”.

16. Section 188A of principal Act amended

Section 188A of the principal Act is amended –

- (a) in subsection (1) –
 - (i) by inserting, after the words “may be given”, the words “by a police officer”;
 - (ii) in paragraph (a), by deleting the words “obtained by a prescribed device” and replacing them by the words “approved by the Commissioner of Police”;
- (b) by repealing subsection (2).

17. Section 190 of principal Act amended

Section 190 of the principal Act is amended, in subsection (4), in paragraph (zu) –

- (a) in subparagraph (i), by deleting the words “First and Fourth Schedules” and replacing them by the words “First, Fourth and Fifteenth Schedules”;

- (b) in subparagraph (ii), by deleting the words “First and Fourth Schedules” and replacing them by the words “First, Fourth and Fifteenth Schedules”.

18. Section 192 of principal Act amended

Section 192 of the principal Act is amended –

- (a) in subsection (1), by deleting the words “A person” and replacing them by the words “Subject to subsection (1A), a person”;
- (b) by inserting, after subsection (1), the following new subsection –

(1A) (a) Notwithstanding subsection (1) but subject to paragraph (b), a person who is served with an FPN pursuant to section 191(1) may, not later than 28 days after the date of the offence under section 191(1)(a) or not later than 28 days after the end of the period specified under section 191(1)(b), as the case may be, electronically pay the fine specified in the FPN.

(b) Paragraph (a) shall not apply to the offences specified in the second column of the Third Schedule.

19. Section 193 of principal Act amended

Section 193 of the principal Act is amended, in subsection (1), by deleting the words “or any other enactment” and replacing them by the words “and section 153 of the Criminal Procedure Act”.

20. Section 196 of principal Act amended

Section 196 of the principal Act is amended, in subsection (1), in paragraph (b), by deleting the words “, be liable, on conviction,” and replacing them by the words “, on conviction, be liable, notwithstanding this Act and section 153 of the Criminal Procedure Act,”.

21. Second Schedule to principal Act amended

The Second Schedule to the principal Act is amended –

- (a) in item 123B –
 - (i) by deleting the words “Minimum disqualification of 2 years” and replacing them by the words “Minimum disqualification of 3 years”;
 - (ii) by deleting the words “Minimum disqualification of 5 years” and replacing them by the words “Minimum disqualification of 7 years”;
- (b) in item 123D –
 - (i) by deleting the words “Minimum disqualification of 3 years” and replacing them by the words “Minimum disqualification of 5 years”;
 - (ii) by deleting the words “Minimum disqualification of 5 years” and replacing them by the words “Minimum disqualification of 10 years”.

22. Third Schedule to principal Act amended

The Third Schedule to the principal Act is amended by adding the following new items –

- 34.** Using handheld mobile phone whilst 5-10 PHON03 driving – section 123AE
- 35.** Using handheld interactive communication 5-10 PHON04 device whilst driving – section 123AE

23. Fourth Schedule to principal Act amended

The Fourth Schedule to the principal Act is amended –

- (a) in item 99, in the corresponding second column, by inserting, after the words “produce driving licence”, the words “or digital driving licence”;

- (b) by inserting, after item 177, the following new item –

177A.	Using handheld mobile phone or handheld interactive communication device whilst driving – section 123AE	3,000
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- (c) by deleting item 205 and replacing it by the following item –

205.	Using a motor vehicle with an altered silencer where the noise caused by the escape of the exhaust gases is made greater by the alteration – regulations 83(3)(c) and 125 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010	10,000
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24. Fifteenth Schedule added to principal Act

The principal Act is amended by adding the Fifteenth Schedule set out in the Schedule to this Act.

25. Repeal

- (1) The Road Traffic (Amendment No. 3) Act 2019 is repealed.

(2) Regulation 90 of the Road Traffic (Construction and Use of Vehicles) Regulations 2010 is revoked.

26. Consequential amendment

The Road Traffic (Construction and Use of Vehicles) Regulations 2010 are amended, in regulation 83, in paragraph (3), by adding the following new paragraph, the full stop at the end of paragraph (b) being deleted and replaced by the words “; or” and the word “or” at the end of paragraph (a) being deleted –

- (c) use a motor vehicle with an altered silencer where the noise caused by the escape of the exhaust gases is made greater by the alteration.

27. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

Passed by the National Assembly on the first day of September two thousand and twenty six.

Bibi Safeena Lotun, C.S.K. (Mrs)
Clerk of the National Assembly

SCHEDULE

[Section 24]

FIFTEENTH SCHEDULE

[Section 123AR]

**FEES FOR SEIZURE AND RELEASE OF A MOTOR VEHICLE
UNDER PART VIIIB OF THE ROAD TRAFFIC ACT**

	(Rs)
1. Seizure fee for each period of 24 hours or part thereof	2,000
2. Non-refundable application fee	5,000
3. One-off release fee	10,000
