

Seychelles

Road Transport Act

## Road Transport (Self-Drive Hire Vehicles) Regulations

Statutory Instrument 11 of 1973

Legislation as at 1 August 2016

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## Road Transport (Self-Drive Hire Vehicles) Regulations

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# Road Transport (Self-Drive Hire Vehicles) Regulations

## Statutory Instrument 11 of 1973

Commenced on 1 March 1973

*[This is the version of this document at 1 August 2016.]*

*[SI 11 of 1973; 53 of 1974; 51 of 1975; 95 of 1975; 35 of 1978; 51 of 1979; 40 of 1987; 105 of 1995]*

### 1. Citation

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

### 2. Interpretation

In these regulations, unless the context otherwise requires—

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

“**licencee**” means a person to whom a licence has been issued pursuant to regulation 6;

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

“**Authority**” means the Licensing Authority established by section 3 of the Licences Act;

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

“**self-drive hire vehicle**” means a motor vehicle hired out or intended to be hired out by the owner or operator thereof under the terms of a hiring agreement made in respect thereof for the purpose of being driven by the hirer or a person authorised by the hirer.

### 3. Conditions for hiring out vehicles

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

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

- (f) the identification place is displayed in accordance with regulation 15.

#### **4. Offence**

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

#### **5. Application for licence**

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

#### **6. Issue of licence**

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

#### **7. Terms and conditions of licence**

- (1) The Authority when issuing a licence pursuant to regulation 6 may, in its discretion, issue the same subject to such terms and conditions as to the Authority may seem desirable.
- (2) Without prejudice to the generality of the discretion given to the Authority by subregulation (1) such terms and conditions may relate to any or all of the following matters;
  - (a) the maximum number, age and type of motor vehicles as determined by the Road Transport Commissioner which the licensee may own or operate and subject to the preceding provisions of this paragraph the minimum number of motor vehicles as determined by the Commissioner which the licensee shall operation within six weeks of the issue of the licence;
  - (b) the type of insurance and the extent of the insurance cover which the licensee shall keep in force in relation to his self-drive hire vehicles;
  - (c) the documentary evidence which the licensee shall keep in respect of self-drive hire vehicles owned or operated by him;
  - (d) the documentary evidence which the licensee shall keep in respect of self-drive hire vehicles actually hired out by him;
  - (e) the availability for inspection by the Authority or by its authorised agents during normal office hours of such documentary evidence, and of insurance policies, insurance certificate and other documents, books and registers relating to the licensees hiring of self-drive hire vehicles;
  - (f) the making of application for identification plates in accordance with the provisions of regulation 13.
- (3) A licensee shall—
  - (a) operate the self-drive hire vehicle trade in a premises approved by the Authority;
  - (b) provide a telephone in the premises and maintain a 24 hour call-out service;
  - (c) keep the premises open and adequately staffed from 8.00 am to 4.00 pm on each day, other than a public holiday, from Monday to Friday and from 8.00 am to 12 noon on Saturday, Sunday and on any other public holiday;
  - (d) furnish the Authority the name of the person managing the trade;

- (e) furnish the Authority the name and address of the garage or the person at which or by whom the self-drive hire vehicles are serviced;
  - (f) maintain the self-drive hire vehicles in good condition and keep a maintenance record of the vehicles;
  - (g) be courteous to persons availing the services of the licensee and ensure that the employees of the licensee do likewise;
  - (h) enter into a written hiring agreement with a person taking out on hire a self-drive hire vehicle from the licensee and furnish a copy of the agreement to such person;
  - (i) ensure that the written hiring agreement referred to in paragraph (h) contains the number of the telephone provided under paragraph (b);
  - (j) ensure that the self-drive hire vehicles are licenced and insured;
  - (k) ensure that each employee of the licensee carries, while discharging the functions of the employee, an identification badge containing the name of the employee and that of the licensee;
  - (l) not have or where the licensee is a company, any of its directors or shareholders shall not have, any share or interest in any other self-drive hire vehicle trade.
- (4) The Minister may impose a limit on the number of licences issued under regulation 6.
- (5) The Authority may with the consent of the licensee vary the terms and conditions subject to which a licence has been issued pursuant to these Regulations.

## **8. Revocation of licence**

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

## **9. Appeal**

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

## **10. Expiry of licence**

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

## **11. Licence not transferable**

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

## **12. Refund of licence fee**

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

## **13. Application for identification plates**

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

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

#### **14. Authority may assign identification plates**

- (1) Every vehicle in respect of which an identification plate is applied for shall be produced at such place and on such date as may be fixed by the Authority and the vehicle may be inspected and tested by a police officer or such person as the Authority may depute.
- (2) The Authority may assign to a vehicle an identification plate of the dimensions and form set out in the Schedule provided that such plate shall remain the property of the Government of Seychelles.
- (3) The Authority may refuse to assign an identification plate to a vehicle if—
  - (a) the Authority is not satisfied that it is in all respects roadworthy; or
  - (b) the Authority has determined that the type of vehicle is unsuitable for use as a self-drive hire vehicle.

#### **15. Identification plate to be affixed to vehicle**

- (1) An identification plate which has been assigned to a vehicle by the Authority shall be fixed to the rear of the vehicle in such a manner that it is clearly visible and such plate shall be kept clean.
- (2) An identification plate shall not be affixed to any motor vehicle other than the one to which it has been assigned under regulation 14.

#### **16. Validity of identification plate**

- (1) Subject to sub-regulations (2) and (5) an identification plate shall be valid for the period covered by the licence of the holder of the self-drive hire vehicle.
- (2) If the Authority considers that a vehicle to which an identification plate has been assigned is—
  - (a) no longer suitable for use as a self-drive hire vehicle; or
  - (b) no longer road worthy,the Authority may issue to the licensee, driver or person in charge of the vehicle a notice suspending the validity of the identification plate until the defects specified in the notice have been remedied.
- (3) Any suspension under sub-regulation (2) of this regulation shall be subject to an appeal in accordance with the Licences Act.
- (4) Neither the person who has been served with a notice under sub-regulation (3) nor the licensee shall use or permit the use of such vehicle as a self-drive hire vehicle until the notice has been withdrawn by the Authority.
- (5) An identification plate shall cease to be valid in the event of the licensee's licence to hire out self-drive hire vehicles being revoked.

#### **17. Surrender of identification plate**

An identification plate shall be surrendered to the Authority if—

- (a) the licence issued under regulation 6 is revoked; or
- (b) a notice not to use has been issued under sub-regulation (2) of regulation 16; or
- (c) the vehicle to which it has been assigned has been involved in an accident causing damage to the said vehicle; or

- (d) the vehicle to which it has been assigned is no longer to be used as a self-drive hire vehicle or is to be exported from Seychelles.

### 18. Replacement of identification plate

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

### 19. Offences

Any person who—

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

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

### Schedule (Regulation 14)

#### Form of identification plate

