

Seychelles

Road Transport Act

Road Transport (Public Service Vehicles) Regulations Statutory Instrument 113 of 1977

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Road Transport (Public Service Vehicles) Regulations
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Statutory Instrument 113 of 1977

Commenced on 29 December 1977

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

[SI 113 of 1977; 58 of 1986]

1. Citation

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

Part I – General

2. Interpretation

In these Regulations—

“**Goods**” means any package or item which is not luggage;

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

“**passenger**” does not include a driver or conductor;

“**operator**” means the person to whom an operator’s licence has been granted;

“**public service vehicle**” means a public or private omnibus.

Part II – Construction & equipment

3. Seating capacity

- (1) In every public service vehicle there shall be provided for each passenger seating space of not less than fifteen inches square measured along and at right angles to the front of each seat.
- (2) Every licence to keep a public service vehicle shall stipulate the authorised passenger seating capacity.
- (3) No person shall use or cause or permit to be used on a road any public service vehicle in which the number of passengers exceeds the seating capacity stipulated in the licence.
- (4) For the purpose of this regulation—
 - (a) a child apparently under five years of age and not occupying a seat shall not be counted as a passenger; and
 - (b) three children apparently over five years of age and under ten years of age shall be counted as two passengers.

4. Carriage of luggage and goods

- (1) A passenger may carry inside a public service vehicle luggage belonging to such passenger.
- (2) Luggage which cannot be safely or conveniently carried inside the vehicle, and goods, shall only be carried in a separate compartment or, if a guard rail is provided, on the roof of the vehicle.
- (3) A vehicle described by the manufacturer as a commercial or goods vehicle but which has been adapted as, or altered to or otherwise changed into a public service vehicle shall when carrying goods as well as passengers be equipped with a fixed barrier of a type approved by the Commissioner of Police and such goods shall be carried forward of the barrier.
- (4) In any public service vehicle no person shall sit or be permitted to sit on any goods or luggage.

5. Notice boards

- (1) There shall be affixed to the outside of every public service vehicle a notice stating that it is a public service vehicle and the number of passengers which it is licenced to carry. The figures and letters shall conform with such measurements as may be required by the Transport Commissioner.
- (2) There shall be affixed to the outside of every public omnibus used for the conveyance of passengers for separate fares a notice of such design and construction as shall have been previously approved by the Transport Commissioner, showing the route and destination.
- (3) There shall be exhibited internally in every public service vehicle a notice saying that spitting in such vehicle is an offence.

6. Public service vehicles to be in good order

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

7. Notice of authorised fares

- (1) No person shall cause or permit any public omnibus authorised used for the conveyance of passengers for separate fares to be used on any road or to ply for hire unless there are permanently and legibly affixed, in such places and forms as the Transport Commissioner may require, notices showing the charges for carriage authorised by law.
- (2) The Transport Commissioner may supply such notices, and may make such charge for each copy, not exceeding Rs. 1, as he may think fit, and the receipts from such charges shall be paid into general revenue.

Part III – Drivers and conductors

8. Conductor

- (1) A public omnibus, when passengers for separate fares are being carried by it, may carry a conductor licenced under regulation 19 of the Road Transport Regulations for the purposes specified in these Regulations or any other written law.
- (2) The conductor, when carried on a public omnibus under subregulation (1), shall, in addition to performing any other functions under these Regulation or any other written law—
 - (a) in the case of passengers who are holders of bus passes—
 - (i) verify the validity or otherwise of the passes; and

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

9. General conduct

A driver and a conductor of a public omnibus when acting as such—

- (a) shall behave in a civil and orderly manner;
- (b) shall be clean and tidy in his person;
- (c) shall not smoke in or on the vehicle during a journey or when it has passengers on board;
- (d) shall take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the vehicle;
- (e) shall, if requested by any police officer in uniform or any person authorised by the Licensing Authority, give particulars of his licence (if any), his name and the name and address of the operator by whom he is employed; and
- (f) shall not at any reasonable time, obstruct or neglect to give all reasonable information and assistance to, any person having authority to examine the vehicle.

10. Conduct of conductor

A conductor of a public omnibus when acting as such—

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

- (k) shall not permit any animal to be carried on the vehicle;
- (l) shall not permit any person who is in a dirty condition to enter in or to travel in the vehicle; and
- (m) may refuse to permit any person, whom he has reason to believe to be intoxicated, mentally unbalanced or suffering from an infectious or a contagious disease, to enter in or travel in the vehicle.

11. Conduct of driver

A driver of a public omnibus when acting as such—

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

Provided that—

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

12. Uniform

- (1) Every driver and conductor of a public omnibus and every other person employed therein at all times when on duty on the vehicle wear such uniform and carry such badge as shall be approved of by the Transport Commissioner.
- (2) In any contravention of the provisions of paragraph (1), the driver, conductor, other person concerned and the operator shall be guilty of an offence and in any proceedings against an operator for a contravention of the provisions of paragraph (1), it shall not be necessary to prove guilty knowledge on the part of the operator.

Part IV – Conduct of passengers

13. General

A passenger or intending passenger on a public omnibus shall not—

- (a) use obscene or offensive language or conduct himself in a disorderly manner;
- (b) enter or alight from the vehicle otherwise than by the doors or openings provided for the purpose;
- (c) when entering or attempting to enter the vehicle wilfully and unreasonably impede passengers seeking to enter the vehicle or to alight therefrom or behave in any other manner likely to delay the vehicle;
- (d) enter or alight from or attempt to enter or alight from the vehicle while it is in motion;
- (e) enter or remain in or on the vehicle when required not to do so by an employee of the operator in uniform and on duty on the grounds that the petrol or oil tank of the vehicle is to be filled, the vehicle is carrying its full complement of passengers or that the operator is debarred from picking up passengers at the place in question by reason of the conditions attached to the licence or by reason of any enactment;
- (f) enter or alight from the vehicle when requested not to do so by an employee of the operator in uniform and on duty on the grounds that the place in question is not a bus stop;
- (g) in the case of a public omnibus, travel in or on any part of the vehicle not provided for the conveyance of passengers;
- (h) wilfully do or cause to be done with respect to any part of the vehicle or its equipment or any accessory thereto anything which is calculated to obstruct or interfere with the working of the vehicle or to cause injury, discomfort or inconvenience to any passenger or to any other person;
- (i) when the vehicle is in motion distract the driver's attention or speak to him unless it is necessary to do so in order to give directions as to the stopping of the vehicle in an emergency or where no conductor is carried on the vehicle;
- (j) give any signal which might be interpreted by the driver as a signal from the conductor to start or to stop the vehicle;
- (k) spit upon or from or wilfully damage, soil, deface or defile any part of the vehicle or any equipment therein or any accessory thereto;
- (l) when in or on the vehicle distribute printed, written or similar matter of any description or distribute any articles for the purpose of advertising;
- (m) wilfully remove, displace, deface or alter any number plate, notice board, fare table, route indicator, or destination board or any printed or other notice of advertisement in or on the vehicle;

- (n) when in or on the vehicle to the annoyance of other persons use or operate any noisy or musical instrument or any gramophone or radio set or make or combine with any other person or persons to make any excessive noise by singing, shouting or otherwise;
- (o) when in or on the vehicle throw any article or thing on the road or pavement likely to annoy persons or to cause danger or injury to any person or property or attach to or trail from the vehicle any streamer, balloon, flag or other article or set out or put any thing or lean out or stick out his hand in such manner as to overhang the road;
- (p) wilfully obstruct or impede any employee of the operator in uniform and on duty;
- (q) smoke or carry a lighted pipe, cigar or cigarette in or on any part of the vehicle in or on which a notice is exhibited that smoking is prohibited;
- (r) when in or on the vehicle beg or sell or offer for sale any article;
- (s) if his condition is such as to be offensive to passengers, or the condition of his dress or clothing is such that it may reasonably be expected to soil or injure the linings or cushions or the seats or any other part of the vehicle or the clothing of other passengers, enter or remain in or on the vehicle after an employee of the operator on duty shall have requested him either not to enter or to leave the vehicle;
- (t) enter or travel in or on a vehicle with any dangerous or offensive article:
Provided that a passenger may carry in a container up to two gallons of inflammable liquids if such container is securely sealed or closed.
- (u) except with the consent of any employee of the operator, on duty, bring into or on to the vehicle any bulky or cumbersome article or place any such article elsewhere in or on the vehicle than as directed by such employee;
- (v) bring any animal into or on the vehicle; or
- (w) drive or attempt to drive the vehicle or interfere or attempt to interfere with any mechanism, device or control connected with or part of the vehicle.

14. Tickets

- (1) A passenger on a public omnibus shall not, with intent to avoid payment of a fare, use or attempt to use—
 - (a) any ticket or bus pass which has been altered or defaced; or
 - (b) any ticket or bus pass which has been issued to another person if such ticket bears thereon an indication that it is not transferable; or
 - (c) any ticket or bus pass which has expired.
- (2) A passenger on a public omnibus, other than a passenger who is the holder of a valid bus pass in respect of the journey he intends to take or has taken on the public omnibus, shall—
 - (a) immediately upon demand declare the journey he intends to take or has taken and pay to the conductor the fare for the whole of such journey and accept the ticket provided therefor;
 - (b) leave the vehicle as soon as is practicable after completion of the journey the fare for which he has paid;
 - (c) retain his ticket while he is on the vehicle and produce it for inspection and, if requested for punching, when required to do so by an authorised employee of the operator in uniform, or, if he fails so to do, pay the fare for the journey taken or to be taken by him;
 - (d) if required to do so surrender his ticket to any authorised employee of the operator in uniform at the end of the journey covered by that ticket;

- (e) if required to do so by any employee of the operator, in uniform, surrender any ticket held by him either on completion of the journey or journeys covered by that ticket or in exchange for a new ticket covering the journey or journeys he is still entitled to take.
- (3) No passenger on a public omnibus who is the holder of a valid bus pass shall—
 - (a) on demand by an authorised employee of the operator, produce his bus pass in connection with the journey he intends to take or has taken to the employee for his inspection;
 - (b) allow the authorised employee of the operator, in accordance with the conditions on which the bus pass was issued, to cancel any entry on the pass, or to tear or punch any part of the pass, in connection with the journey he intends to take or has taken;
 - (c) leave the omnibus as soon as is practicable after completion of the journey—
 - (i) covered by the pass; or
 - (ii) he has advised the authorised employee of the operator he has intended to take.
- (4) No passenger shall travel or attempt to travel on a public omnibus without paying the fare for the journey, or if he is not in possession of a valid bus pass which covers the journey he intends to take and the proper charges for any goods lawfully carried at his request on the vehicle.
- (5) No passenger shall leave or attempt to leave a public omnibus without paying the fare for the journey which he has taken and the charge for any goods lawfully carried at his request on the vehicle with intent to avoid the payment thereof unless, in the case of the fare, he is the holder of a valid bus pass covering the journey he has taken.
- (6) Any conductor or other person authorised to receive fares from passengers or intending passengers in public service vehicles shall forthwith issue to each passenger or intending passenger who has paid his fare a ticket showing the amount of such fare and such other particulars as may be prescribed.

15. Drivers of public service vehicles-restriction on supply and consumption of liquor

- (1) No person shall knowingly sell or supply any intoxicating liquor to any driver of a public service vehicle while such driver is on duty and no such driver shall buy or consume intoxicating liquor while he is on duty.
- (2) No person licenced to drive a public service vehicle shall, at any time within six hours before the time at which he is due to take charge of a public service vehicle in respect of any journey, consume intoxicating liquor so as to render himself incapable of taking proper control of a motor vehicle.
- (3) For the purposes of this section, the driver of a public service vehicle shall be deemed to be on duty during the time when he is in charge of or responsible for the driving of such vehicle in the course of any journey, including the period of any halt during such journey other than a halt overnight.

16. On-the-spot fine

- (1) Subject to this regulation where, under these Regulations, a passenger fails to pay the proper fare for the journey which he intends to take or has taken, the passenger is liable to an on-the-spot penalty of R25.
- (2) A penalty under subregulation (1) shall be levied by and be payable forthwith to an authorised employee of the operator.
- (3) A passenger who has paid an on-the-spot penalty under this regulation shall not be liable to a prosecution under these Regulations for failing to pay the fare in respect of which he has paid the penalty.
- (4) A receipt for an on-the-spot penalty under this regulation issued by an authorised employee of the operator shall be *prima facie* evidence of the payment of the penalty.

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

17. Penalty

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