

THE ROAD TRAFFIC (AMENDMENT) BILL, 2022

MEMORANDUM

The object of this Bill is to amend the Road Traffic Act, 2002, so as to—

- (a) revise the composition of the Board of the Agency;
- (b) revise the provisions relating to the registration of a motor vehicle and trailer;
- (c) revise the provisions relating to licensing of motor vehicles and drivers;
- (d) enhance road safety provisions;
- (e) revise the penalties for driving offences; and
- (f) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

A BILL

ENTITLED

An Act to amend the Road Traffic Act, 2002.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Road Traffic (Amendment) Act, 2022, and shall be read as one with the Road Traffic Act, 2002, in this Act referred to as the principal Act.

Short title

Act No. 11
of 2002

5 2. The principal Act is amended in section 2 by—

Amendment
of section 2

(a) the deletion of the definitions of—

10 “ authorised officer ”, “ contract car ”, “ hire car ”,
“ motor cycle ” and “ public service vehicle ” and
the substitution therefor of the following
definitions in the appropriate places in
alphabetical order:

15 “ authorised officer ” means a police officer, road
traffic inspector, or law enforcement officer of
the Drug Enforcement Commission or Anti-
Corruption Commission, designated as an
authorised officer for the purposes of this Act
and includes any other suitably qualified person
declared by the Minister, by statutory instrument,
as an authorised officer;

20 “ contract car ” means a motor vehicle primarily
constructed or adapted for the carriage of
passengers and having seating accommodation
for not more than seven persons other than the
driver, which is let out on hire to a hirer who is
25 to drive oneself or who shall provide a driver
for that motor vehicle;

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“ hire car ” means a public service vehicle having seating accommodation for more than seven persons other than the driver which is let with a driver, under contract for the carriage of passengers otherwise than at separate fares; 5

“motor cycle” means any motor vehicle—

(a) carried on two wheels only and includes any motor vehicle with a side car or similar attachment and an auto cycle; 10

(b) carried on three wheels only; or

(c) which has four wheels and is designed to be driven by the type of controls usually fitted to a motor cycle, and includes a quadra cycle; 15 and

“ public service vehicle ” means a motor vehicle including a trailer, which —

(a) is licensed under Part VIII of this Act for conveying passengers with 20 or without goods; or

(b) plies for hire or reward or is let out for hire or reward for conveyance of passengers;

(b) the insertion of the following new definitions in the 25 appropriate places in alphabetical order:

“ associate ” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

“ Board ” means the Board of the Agency constituted under section 5; 30

“ cabotage ” means the loading and offloading of passengers or goods or both between two or more points in the Republic by a foreign carrier;

“ demerit point ” means a penalty point that is imposed on a driver who is convicted of a driving related 35 offence that has an associated demerit point;

“ embosser ” means a person who embosses an allocated registration mark and number of a motor vehicle on a blank number plate;

“ emergency rescue vehicle ” means a vehicle that is 40 designated and authorised to respond to an emergency;

- “Emoluments Commission” means the Emoluments Commission established under the Constitution; Cap. 1
- 5 “goods vehicle road service licence” means a licence authorising the use of a motor vehicle for carriage of goods on a road—
- (a) for hire or reward; or
- (b) for trade or business;
- 10 “honorary road traffic inspector” means a person appointed as an honorary road traffic inspector under section 226A;
- “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019; Act No. 6 of 2019
- 15 “plying for hire or reward” includes—
- (a) parking at a designated taxi rank;
- (b) offering for hire by notice, advertisement, announcement or any other means; or
- 20 (c) parking or travelling while exhibiting a “For Hire” notice of any kind;
- “port of entry” means a border post or an airport through which a vehicle is brought into the Republic;
- 25 “Presidential motorcade” includes the motorcade for the Vice-President;
- “probationary driving licence” means a licence issued to a certified learner driver for a period of one year from the date of certification after a driving test;
- 30 “public service vehicle road service licence” means a road service licence authorising the use of a public service vehicle;
- “related company” has the meaning assigned to the words in the Companies Act, 2017; Act No. 10 of 2017
- 35 “relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012

“ restricted goods vehicle road service licence ”
means a road service licence under which a
goods vehicle is used on a road for the carriage
of goods for, or in connection with, any trade or
business carried on by the holder of the licence, 5
other than that of carrying goods for hire or
reward;

“ scooter ” means a two wheeled vehicle with a step
through chassis and footrest platform;

“ standard goods vehicle road service licence ” means 10
a road service licence under which a goods
vehicle may be used on a road for the carriage
of goods—

- (a) for hire or reward; and
- (b) for or in connection with, any trade
or business carried on by the holder 15
of the licence;

“ third country rule ” means the conveyance of goods
or passengers using a foreign registered vehicle
from a point within the Republic to third country
without passing through the country of 20
registration of the vehicle; and

“ vehicle in transit ” means a motor vehicle that is not
meant for use in the Republic and which is
transported or transhipped through the Republic
from one country to another. 25

Amendment
of section 4

3. Section 4(2) of the principal Act is amended—

- (a) in paragraph (f), by the insertion of the words “and
cycling” immediately after the word “motor”;
- (b) in paragraph (h), by the deletion of the word “may” and
the substitution therefor of the word “shall”; and 30
- (c) by the insertion of the following new paragraph
immediately after paragraph (m):
 - (n) review and publish reports on road traffic
congestion in the Republic and make 35
recommendations to the Road Development
Agency and a local authority to ease the
congestion.

4. The principal Act is amended by the repeal of section 5 and the substitution therefor of the following: Repeal and replacement of section 5

5 5. (1) There is constituted a Board of the Agency which consists of the following part time members appointed by the Minister: Board of Agency

(a) a representative each of the—

(i) Zambia Chartered Institute of Logistics and Transport;

10 (ii) Zambia Agency for Persons with Disabilities; and

(iii) Attorney General;

(b) a person nominated from an association representing transporters;

15 (c) a person nominated from an association representing passengers;

(d) a representative of the ministries responsible for—

(i) transport;

(ii) home affairs with experience and knowledge in matters of road traffic and enforcement; and

20 (iii) local government;

(e) the Director of the Road Development Agency, as an *ex-officio*;

(f) the Director of the National Road Fund Agency, as an *ex-officio*; and

25 (g) one person with knowledge and experience in road transport or road safety management.

(2) The members referred to under subsections (1)(a) (b), (c) and (d) shall be nominated by their respective institutions, organisations or ministries.

30 (3) The Director of the Road Development Agency and the Director of the National Road Fund Agency referred to under subsection (1)(d) and (e) shall have no vote.

(4) The Chairperson of the Board shall be appointed by the Minister.

- (5) The Vice-Chairperson of the Board shall be elected by the members of the Board from among themselves.
- (6) A person shall not be appointed as a member of the Board if that person—
- (a) is not a citizen; 5
 - (b) is an undischarged bankrupt;
 - (c) is legally disqualified from performing the functions of a member; or
 - (d) is convicted of an offence and sentenced to imprisonment for a term not exceeding six months without the option 10 of a fine.
- (7) The First Schedule applies to the Board.
- 5.** The principal Act is amended by the insertion of the following new sections immediately after section 5:
- 5A.** (1) Subject to the other provisions of this Act, the Board 15 shall provide strategic policy direction to the Agency.
- (2) Despite the generality of subsection (1), the functions of the Board are to—
- (a) promote good governance of the Agency;
 - (b) formulate the policies, programmes and strategies of 20 the Agency;
 - (c) approve the annual work plan and activity reports of the Agency;
 - (d) approve the annual budget estimates and financial statement of the Agency; and 25
 - (e) monitor and evaluate the performance of the Agency against budgets and plans.
- 5B.** (1) The Board may, by direction in writing and conditions that the Board considers necessary, delegate any of the Board's functions to the Director. 30
- (2) A delegation made under subsection (1) shall not prevent the Board from performing the function so delegated.
- (3) The Minister may give the Board general or specific directions relating to the performance of the Board's functions and the Board shall give effect to those directions to the extent that 35 those directions are not inconsistent with this Act.

5C. (1) There is established a Committee of Ministers comprising the— Committee of Ministers

- 5 (a) Minister responsible for transport, as Chairperson;
- (b) Minister responsible for public roads, as Vice Chairperson; and
- (c) Ministers responsible for—
- 10 (i) finance;
- (ii) local government;
- (iii) home affairs;
- (iv) agriculture; and
- (v) tourism.

(2) The Agency shall report to the Committee of Ministers on matters relating to transport management initiatives of the Republic at intervals that the Minister may determine.

15 **6.** The principal Act is amended by the repeal of section 6 and the substitution therefor of the following: Repeal and replacement of section 6

20 **6.** (1) The Board shall appoint a Director who shall be the chief executive officer of the Agency and, subject to the direction and control of the Board, be responsible for the day to day administration of the Agency. Director, Secretary and other staff

(2) The Director shall attend meetings of the Board as an *ex-officio* member and may address those meetings, but shall not vote on any matter.

25 (3) The Board shall appoint a Secretary and other staff that may be necessary for the performance of the functions of the Board.

(4) The Secretary shall perform corporate secretarial duties for the Board and other functions that the Board may determine under the direction of the Board and the Director.

30 (5) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director, Secretary and other staff.

35 (6) The Board shall determine the conditions of service, other than emoluments, of the Director, Secretary and other staff.

Amendment of section 8	7. Section 8 (2) of the principal Act is amended by the deletion of the word “book” wherever it appears and the substitution therefor of the word “certificate”.	
Repeal and replacement of section 10	8. The principal Act is amended by the repeal of section 10 and the substitution therefor of the following:	5
Requirements for clearance of motor vehicle	10. (1) Despite the other provisions of this Act, where a motor vehicle is imported into the Republic, the owner or person in charge of the motor vehicle shall produce, to a customs officer at a port of entry, a declaration under the Customs and Excise Act, in respect of the motor vehicle.	10
Cap. 322	(2) The customs officer shall, issue a customs clearance certificate if the declaration produced under subsection (1) complies with the Customs and Excise Act.	
Cap. 322	(3) The owner or person in charge of a motor vehicle shall present the motor vehicle and customs clearance certificate issued under subsection (2) to an Interpol officer at the port of entry for verification of the engine number, chassis number, colour and any other identification of the motor vehicle, and the Interpol officer shall, if satisfied with the authenticity of the motor vehicle, issue an Interpol Clearance Certificate.	15 20
	(4) A motor vehicle imported into the Republic for use shall be registered at the port of entry in accordance with section 11.	
	(5) Despite subsection (4), the following are exempt from the requirement to register a motor vehicle at the port of entry into the Republic:	25
	(a) a holder of a motor vehicle dealer’s licence issued under section 45, who imports the motor vehicle into the Republic for resale;	30
	(b) a motor vehicle imported by a diplomat or diplomatic mission accredited to the Republic; and	
	(c) a motor vehicle authorised by the Director to be registered in the Republic.	
	(6) A person who is exempted from the requirement to register a motor vehicle at a port of entry under subsection (5) shall be issued with a temporary registration certificate in accordance with this Act.	35

- 5 (7) Where a motor vehicle is acquired in the Republic, the person who acquires the motor vehicle shall, within thirty days of the acquisition, present the vehicle together with the letter of sale, the change of ownership certificate and the registration document of the motor vehicle or ownership certificate to the Zambia Police Service for clearance. Inspectors
- 10 (8) A person who contravenes subsections (1), (3) or (7) or who presents a false declaration to a customs officer or an authorised officer commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.
- 15 9. Section 13 of the principal Act is amended—
- (a) in subsection (1)(a), by the insertion of the words “of obtaining Zambia Police Service clearance” immediately after the words “fourteen days”; Amendment of section 13
- 20 (b) by the insertion of the following new subsection immediately after subsection (1):
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, in the case of a—
- 25 (a) first offence, to a fine not exceeding five thousand penalty units;
- (b) in the case of a second or subsequent offence, to a fine not exceeding ten thousand penalty units; and
- 30 (c) in subsection (2), by the insertion of the words “Subject to section 13A,” immediately after figure “(2)”;
- (d) in subsection (4), by the deletion of the words “subsections (1) and (2)” and the substitution therefor of the words “subsection (1) and (3);
- 35 (e) in subsection (5), by the deletion of the words “subsection (4)” and the substitution therefor of the words “subsection (5)”;
- (f) by the renumbering of subsections (2), (3), (4), (5), (6) and (7) as subsections (3), (4), (5), (6), (7) and (8), respectively.
- 40 10. The principal Act is amended by the insertion of the following new section immediately after section 13: Insertion of section 13A

Security interest in motor vehicle	<p>13A. (1) A licensing officer shall, on receipt of an application for registration of a new owner, conduct a search in the Collateral Registry to determine whether a security interest has been registered in respect of a specified motor vehicle.</p>	5
	<p>(2) Subject to subsection (1), where a search in the Collateral registry reveals that a security interest is registered against a vehicle which is the subject of an application for registration of a new owner, a licensing officer shall not process the transaction unless the security interest in the Collateral Registry is discharged.</p>	10
Act No. 3 of 2016	<p>(3) A person who intends to purchase a motor vehicle may search the Collateral Registry to ascertain whether a specified motor vehicle is subject to a security interest under the Moveable Property (Security Interest) Act, 2016.</p>	15
Act No. 3 of 2016	<p>(3) For the purposes of this section, “Collateral Registry” and “security interest” have the meanings assigned to the words in the Movable Property (Security Interest) Act, 2016.</p>	
Amendment of section 16	<p>11. Section 16 of the principal Act is amended—</p> <p>(a) in subsection (1), by the insertion of the words “Subject to section 10” immediately after figure “(1)”; and</p> <p>(b) in subsection (3), by the deletion of paragraph (a) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(a) cause the details of the temporary registration cards to be embossed as a registration mark and number, on a registration plate, which shall be affixed to the motor vehicle or trailer as prescribed.</p>	20 25
Amendment of section 20	<p>12. Section 20 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:</p> <p>(1) A licensing officer shall, before registering a motor vehicle or trailer, cause the motor vehicle or trailer to be examined by a vehicle examiner to—</p> <p>(a) verify the particulars entered on the application form; and</p> <p>(b) ensure that the specifications of the motor vehicle or trailer and condition of the motor vehicle or trailer comply with the requirements of this Act.</p>	30 35

13.	Section 27 of the principal Act is amended by the—	Amendment of section 27
	(a) deletion of subsection (2); and	
	(b) renumbering of subsection (3) as subsection (2).	
5	14. Section 28 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:	Amendment of section 28
	(1) A person who manufactures a blank number plate, or an embosser shall obtain a permit from the Director and comply with terms and conditions that may be prescribed.	
10	15. Section 38 of the principal Act is repealed.	Repeal of section 38
	16. The principal Act is amended by the repeal of section 39 and the substitution therefor of the following:	Repeal and replacement of section 39
	39. (1) A motor vehicle or trailer licence shall be in force until, in the case of—	Duration of licence
15	(a) an annual licence, the last day of a twelve month period from the date of first registration of the motor vehicle or trailer;	
	(b) a half yearly licence, the last day of a six month period from the first day when the licence is issued;	
20	and	
	(c) a quarterly licence, the last day of a three month period from the first day of the quarter in which the licence is issued.	
25	(2) Despite subsection (1), a motor vehicle or trailer shall have a twelve month cycle of licensing from the date of first registration.	
	(3) Where a person has an outstanding offence under this Act, the Agency shall not process a motor vehicle or trailer licence or issue a test certificate or certificate of fitness in respect of the motor vehicle or trailer involved in the commission of the offence	
30	until the owner of the motor vehicle or trailer furnishes information required in section 215.	
	17. Section 42 of the principal Act is amended by the repeal of subsections (3) and (4).	Amendment of section 42
35	18. Section 45 of the principal Act is amended by the deletion of the words “dealer in” and the substitution therefor of the words “dealer in, an assembler”.	Amendment of section 45

- Amendment of section 46 **19.** Section 46 of the principal Act is amended by the insertion of—
- (a) figure “(1)” immediately after figure “46”;
 - (b) the following new subsections:
 - (2) The Minister may, on the recommendation of the Agency, prescribe the procedure for applying for a motor vehicle dealers licence and the use of a motor vehicle or trailer under the licence. 5
 - (3) A dealer in, an assembler, or manufacturer of, motor vehicles and trailers who causes, permits or uses a motor vehicle in contravention of this Act commits an offence and is liable, on conviction, in the case of a— 10
 - (a) first offence, to a fine not exceeding one thousand five hundred penalty units; and 15
 - (b) second or subsequent offence, to a fine not exceeding three thousand penalty units.
- Amendment of section 48 **20.** Section 48 (1) of the principal Act is amended by the deletion of the words “until the next following 31st December” and the substitution therefor of the words “and shall be valid for a period of twelve months from the date of its issue”. 20
- Repeal and replacement of section 56 **21.** The principal Act is amended by the repeal of section 56 and the substitution therefor of the following:
- Driver of motor vehicle to be licenced **56.** (1) A person shall not drive a motor vehicle unless that person is a holder of a driving licence authorising that person to drive a motor vehicle of the class or description to which the licence relates. 25
- (2) A person shall not permit or employ a person to drive a motor vehicle on a road unless that person is the holder of a probationary driving licence or driving licence issued under this Act. 30
 - (3) A person who applies for a driving licence shall first be issued with a probationary driving licence and, on the expiry of a probationary driving licence, that person shall be issued with a driving licence authorising that person to drive a motor vehicle of a class or description, as prescribed. 35

5 (4) Despite subsection (3), the Director may, where a holder of a probationary driving licence fails to comply with the conditions applicable to the probationary driving licence, extend the probationary period, for successive periods of three months until the conditions are complied with.

 (5) The Minister may, on the recommendation of the Agency, prescribe, by statutory instrument, conditions applicable to a probationary driving licence.

10 (6) Subsection (2) does not apply to a person holding a foreign driving licence, who submits an application for the issuance of a driving licence under this Act.

 (7) A person holding a foreign driving licence referred to under subsection (6) shall be entitled to submit an application for issuance of a driving licence if that person has held the foreign driving licence for at least one year at the time of the application.

15 (8) A person who contravenes subsections (1) or (2) commits an offence and is liable, on conviction, in the case of a—

20 (a) first offence, to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months; or

 (b) second or subsequent offence, to a fine not exceeding six thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

25 (9) This section does not apply to a person who is the holder of an international driving permit, other driving licence or permit issued outside the Republic, a military driving licence, or the equivalent of the licence or permit, which is prescribed under this Act, to have effect within the Republic as if it was a driving licence issued in accordance with section 59 or 61.

30 (10) A motor vehicle which is driven on a road by a person who is not the holder of a valid probationary driving licence or a driving licence authorising that person to drive a motor vehicle of that class or description may be impounded by a road traffic inspector in uniform, or by a police officer.

35 (11) On the issuance of a driving licence to a person, a driving licence previously issued to that person, under this Act shall become void in so far as it may authorise the holder to drive a motor vehicle in the Republic.

- Amendment of section 64
- 22.** Section 64 of the principal Act is amended—
- (a) in subsection (1)—
- (i) by the insertion of the following new paragraph immediately after paragraph (c):
- (d) to drive a taxicab or any other motor vehicle used for hire or reward with seating capacity not exceeding seven passengers including the driver, unless the person has attained the age of twenty years; and 5
- (ii) by the renumbering of paragraph (d) as paragraph (e); 10
- (b) by the insertion of the following new subsection immediately after subsection (1):
- (2) A driving licence issued to a person who has attained the age specified under subsection (1)(d), shall be endorsed with an appropriate professional driving permit.; and 15
- (c) by the renumbering of subsections (2) and (3) as subsections (3) and (4), respectively. 20
- Repeal and replacement of heading to Part VIII
- 23.** The principal Act is amended in Part VIII by the repeal of the heading and the substitution therefor of the following: 20
- PART VIII**
- LICENCING OF PASSENGER PUBLIC SERVICE VEHICLES AND GOODS VEHICLE
- Repeal and replacement of sections 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110
- 24.** The principal Act is amended by the repeal of sections 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110 and the substitution therefor of the following: 25
- Use of vehicles as public service vehicles
- 100.** (1) Subject to Part X, a person shall not use, or cause or permit to be used, a motor vehicle for the purpose of standing or plying for hire or as a public service vehicle unless there is a valid road service licence authorising the use of the motor vehicle for the purpose of standing or plying for hire or as a public service vehicle. 30
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, in the case of a—

- (a) first offence, to a fine not exceeding onethousand five hundred penalty units; and
- (b) second or subsequent offence, to a fine not exceeding three thousand penalty units.
- 5 (3) It shall be presumed, unless the contrary is proved, that a motor vehicle was used for the purpose of standing or plying for hire, or as a public service vehicle, where a—
- (a) person is charged with using a motor vehicle in contravention of subsection (1); or
- 10 (b) police officer or road traffic inspector reasonably suspects that a motor vehicle was being used for purposes of standing or playing for hire or as a public service, or for the purposes of carriage of persons.
- (4) A taxicab shall not, unless the taxicab has a metre, operate
15 from a taxi rank.
- (5) A taxicab—
- (a) with a metre shall operate from a taxi rank prescribed by a city, municipal or township council established under the Local Government Act, 2019; and Act No. 2 of 2019
- 20 (b) without a metre shall operate along prescribed routes which shall be endorsed on a road service licence, at the time of issue, by the Director.
- 101.** (1) A person shall not, without a goods vehicle road service licence, use a motor vehicle as a goods vehicle
25 for—
- (a) hire or reward; or
- (b) in connection with trade or business.
- (2) Subsection (1)(b) does not apply to—
- (a) the use of not more than five goods vehicles, for, or in connection with, trade or business; and
30 (b) the use of any motor vehicle as prescribed.
- (3) Where a person uses more than five goods vehicles for, or in connection with, business or trade, all the vehicles shall be under a road service licence.
- 35 (4) A person who uses a motor vehicle in contravention of this section commits an offence and is liable, on conviction, in the case of a—

- (a) first offence, to a fine not exceeding three thousand penalty units; and
- (b) second or subsequent offence, to a fine not exceeding six thousand penalty units.
- (5) A motor vehicle shall, unless the contrary is proved, be presumed to be used as a goods vehicle, where a— 5
- (a) person is charged with using a motor vehicle in contravention of the provisions of this section; or
- (b) police officer or road traffic inspector observes that the motor vehicle on two or more occasions in the circumstances that cause the police officer or road traffic inspector to reasonably suspect that the motor vehicle was being used in contravention of this section. 10
- (6) A goods vehicle road service licence may be a standard or restricted licence. 15
- (7) A person may use a goods vehicle for hire or reward under a restricted licence if the goods concerned are the property of a company which is a related company.
- (8) Subject to subsection (7), a person who uses or permits to be used a goods vehicle under a restricted licence for hire or reward commits an offence and is liable, on conviction, in the case of a— 20
- (a) first offence, to a fine not exceeding ten thousand penalty units; and 25
- (b) second or subsequent offences, to a fine not exceeding twenty thousand penalty units.
102. (1) Subject to this Part, a motor vehicle authorised to be used under a public service vehicle road service licence or a goods vehicle road service licence is a— 30
- (a) motor vehicle, belonging to, or in the possession of, the holder of the road service licence and specified in that road service licence;
- (b) motor vehicle, belonging to the holder of the road service licence under a hire purchase agreement, and specified in the road service licence; 35

Authorised
motor
vehicles

(c) motor vehicle belonging to, or in the possession of, the holder of the road service licence under an agreement for hire purchase, hire or loan, and specified in that road service licence; and

5 (d) trailer belonging to, or in the possession of, the holder of the road service licence under an agreement for hire purchase, hire or loan and specified in that road service licence.

10 (2) A public service vehicle road service licence, or a goods vehicle road service licence, shall not be issued in respect of a motor vehicle that is not registered in the Republic.

15 (3) A motor vehicle specified in an operator's public service vehicle road service licence, or a goods vehicle road service licence, shall not be registered under another licence.

20 (4) The Director may vary a public service vehicle road service licence, or goods vehicle road service licence, by directing that a motor vehicle specified in the public service vehicle road service licence or a goods vehicle road service licence be removed from it, where it comes to the knowledge of the Director that the vehicle specified in that licence

25 (a) has ceased to be used under the road service licence; or

(b) is specified in another operator's public service vehicle road service licence or goods vehicle road service licence.

30 **103.** (1) A person shall not use or cause or permit to be used on a road, a motor vehicle authorised under section 102 except in accordance with the terms and conditions of a public service vehicle road service licence, or goods vehicle road service licence, authorising the use of that motor vehicle.

Terms of public service vehicle road service licence or goods vehicle road service licence

35 (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, in the case of a—

(a) first offence, to a fine not exceeding three thousand penalty units; and

40 (b) second or subsequent offence, to a fine not exceeding seven thousand five hundred penalty units.

Person
required to
hold public
service
vehicle road
service
licence or
goods vehicle
road service
licence

104. (1) A person required to hold a public service vehicle road service licence or goods vehicle road service licence in respect of an authorised vehicle under section 102 is—

- (a) the person in whose name the vehicle is registered, 5
if the vehicle is on hire to another person for a
purpose other than the conveyance by that other
person of passengers or goods for hire or renewal;
or
- (b) in any other case, the person using the motor 10
vehicle.

(2) A public service vehicle road service licence or goods vehicle road service licence shall not be transferred or assigned.

(3) Despite subsection (2), the Minister may, by 15
statutory instrument, in consultation with the Agency, make
Regulations for taking over the business of the holder of a
public service vehicle road service licence, or goods vehicle
road service licence for the time that may be specified, to 20
use the vehicle authorised in the licence in the event of the
death, incapacity, bankruptcy or liquidation of the holder,
or the appointment of a receiver or manager in relation to
the business.

(4) A person who contravenes this section commits 25
an offence and is liable, on conviction, in the case of a—

- (a) first offence, to a fine not exceeding three thousand 25
penalty units; and
- (b) second or subsequent offence, to a fine not
exceeding seven thousand five hundred penalty 30
units.

Notice to
Director of
alteration of
motor
vehicle

105. (1) A holder of a public service vehicle road 35
service licence, or goods vehicle road service licence, shall
give notice to the Director on any material alteration, other
than by way of replacement of parts, made to the structure
of fixed equipment of an authorised motor vehicle specified
in the licence.

(2) A person who contravenes this section commits
an offence.

5 **106.** (1) Despite any other provisions contained in this Part, in the event of a breakdown or other unforeseeable emergency, the holder of a public service vehicle road service licence, or goods vehicle road service licence, may temporarily substitute a motor vehicle which is not an authorised motor vehicle under a public service vehicle road service licence or goods vehicle road service licence for an authorised motor vehicle.

Temporary substitution of authorised vehicles in emergency

10 (2) The holder of a public service vehicle road service licence shall, within twenty four hours of making a temporary substitution under subsection (1), notify the Director of the substitution, and the vehicle so substituted shall not be used as an authorised vehicle for a period longer than seven days without the consent of the Director.

15 (3) A person who contravenes this section commits an offence.

20 **107.** (1) Subject to subsection (4), a person who intends to operate a public service vehicle or a goods vehicle shall apply to the Director in the prescribed manner and form, on payment of a prescribed fee for a—

Application for road service licence and objections to application

- (a) public service vehicle road service licence;
- (b) goods vehicle road service licence; or
- (c) variation of road service licence.

25 (2) The Director shall, in deciding whether to grant, refuse to grant or vary a public service vehicle road service licence, or goods vehicle road service licence under this Part, have regard to the following:

- 30 (a) the suitability of the routes on which a service may be provided under the licence;
- (b) the needs of the Republic as a whole in relation to traffic and the co ordination of all forms of transport;
- (c) the reliability and financial stability of the applicant;
- 35 (d) facilities at the disposal of the applicant for carrying out vehicle maintenance and mechanical repairs;
- (e) any previous convictions of the applicant for any offence under this Act; and
- 40 (f) whether the applicant has developed and implemented a Fleet Safety Management Policy in accordance with the Regulations issued under this Act.

- (3) For the purposes of this section an applicant shall be, in the case of—
- (a) an individual, a citizen;
 - (b) a partnership, composed exclusively of persons who are citizens; 5
 - (c) a body corporate, incorporated under the written laws of the Republic, and—
 - (i) is certified by the Minister to be controlled by the State;
 - (ii) not less than seventy-five percent of its shareholding held by persons who are citizens; 10
 - (iii) whose Directors are exclusively citizens of the Republic; or
 - (iv) which is not controlled, directly or indirectly, by a person who is outside the Republic, or by a person who is not a citizen. 15
- (4) For the purposes of subsection (3), a person shall be deemed to control a body corporate if that person can override the decision of another person associated with the control of the body corporate. 20
- (5) Subject to subsection (6), the Director shall not grant or vary a public service vehicle road service licence, or goods vehicle road service licence, in respect of any route if it appears to the Director that the provisions of this Act relating to the speed of motor vehicles are likely to be contravened. 25
- (6) The Director shall cause a notice of the application referred to in this section to be published in the *Gazette* and in a daily newspaper of general circulation in the Republic for a period of at least twenty-one days to enable an objection or representation to be made, before making a decision in respect of the application. 30
- (7) A notice of an objection or a representation from a person providing transport facilities along or near the routes or in the area in respect of which the application is made, or any part thereof, or from any local authority shall— 35

- (a) be made in writing, addressed to the Director, within ten days of publication of the notice under subsection (6); and
- 5 (b) state the grounds on which the person desires to object or make representations.
- (8) The Director shall, within forty days following the end of the period specified under subsection (6), communicate, in writing, the decision granting or rejecting an application for a public service vehicle road service licence, or goods vehicle road service licence.
- 10 (9) Where the Director does not make a decision within the forty days referred to in subsection (8), the Director shall be deemed to have granted the public service vehicle road service licence or goods vehicle road service licence.
- 15 (10) A public service vehicle road service licence or goods vehicle road service licence shall be granted on terms and conditions that the Director may determine.
- (11) A holder of a—
- 20 (a) public service vehicle road service licence shall comply with the provisions of this Act and adhere to the rates fixed down in respect of any route on which a service is operated; and
- 25 (b) goods vehicle road service licence shall comply with the provisions of the Act.
- (12) The Director shall, in the issuance of a public service vehicle road service licence or good vehicle road service licence, promote competition and discourage a monopoly as provided in the Competition and Consumer Protection Act, 2010.
- 30 Act No. 24 of 2010
- 108.** (1) The Director shall, on receipt of an application under section 107, grant or refuse to grant a public service vehicle road service licence or goods vehicle road service licence in a prescribed manner and form.
- 35 (2) The Director may vary the terms and conditions of a public service vehicle road service licence, or goods vehicle road service licence, granted under subsection (1).
- (3) Despite subsection (1), the Director may grant a public service vehicle road service licence or goods vehicle road service licence to a person who is not a citizen, but is a holder of an investment licence issued under the Zambia Development Agency Act, 2006.
- 40 Act No. 11 of 2006

Duration of public service vehicle road service licence or goods vehicle road service licence	109. Subject to section 110E, a public service vehicle road service licence, or goods vehicle road service licence, shall be valid for a period of three years from the date of issue.	
Insertion of sections 110A, 110B, 110C, 110D and 110E	25. The principal Act is amended by the insertion of the following new sections immediately after section 110:	5
Variation of public service vehicle road service licence or goods vehicle road service licence	110A. The Director may vary a public service vehicle road service licence or goods vehicle road service licence, on an application made under section 107, by directing that—	10
	(a) additional motor vehicles be specified in the licence;	
	(b) a vehicle ceases to be specified in the licence;	
	(c) a condition attached to the licence be varied or removed; or	15
	(d) in the case of a restricted goods vehicle road service licence, that it be converted into a standard goods vehicle road service licence; and	
	(e) in the case of a standard goods vehicle road service licence, that the licence be converted into a restricted goods vehicle road service licence.	20
Revocation or suspension of road service licence	110B. (1) Subject to this Act or any other written law, the Director may revoke or suspend a public service vehicle road service licence or goods vehicle road service licence in whole or in part, if the holder of that licence—	25
	(a) fails to comply with a term or condition of the licence;	
	(b) obtained the licence on basis of fraud, negligence or misrepresentation;	
	(c) being an individual, is adjudged bankrupt or, being a company, has gone into liquidation, other than voluntary liquidation for the purpose of reconstruction;	30

(d) operates the permitted business activity in contravention of this Act, or any other relevant written law; and

5

(f) fails to notify the Agency of an adverse material change in any of the circumstances of the holder of the licence relevant to the issue or variation of the licence.

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(2) The Director shall, before revoking or suspending a public service vehicle road service licence or good vehicle road service licence notify the holder of the licence of the intention to revoke or suspend the public service vehicle road service licence or goods vehicle road service licence and shall—

15

(a) give reasons for the intended revocation or suspension; and

(b) notify and require the holder of the licence to show cause within a period of seven days, why the licence should not be revoked or suspended.

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(3) The Director shall not revoke or suspend the public service vehicle road service licence or goods vehicle road service licence under this section if the holder of the licence takes remedial measures to the satisfaction of the Director within the period referred to under subsection (2).

25

(4) The Director may, revoke or suspend the public service vehicle road service licence or goods vehicle road service licence if the holder after being notified under subsection (2) fails to show cause or does not take any remedial measures to the satisfaction of the Director within the period specified in that subsection.

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(5) Where a public service vehicle road service licence or goods vehicle road service licence is revoked in accordance with this section, the licence holder shall surrender the licence to the Agency for cancellation.

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(6) The Director shall, on being satisfied that the licence holder has corrected a contravention that resulted in the revocation of the public service vehicle road service licence, or goods vehicle road service licence reinstate that public service vehicle road service licence or goods vehicle road service licence.

Application for public service vehicle or goods vehicle road service licence for rural feeder service	110C. (1) A person shall apply to the Director for a public service vehicle road service licence, or goods vehicle road service licence, to provide a rural feeder service in the prescribed manner and form, on payment of a prescribed fee.	5
	(2) The Director shall, on receipt of an application under subsection (1), consider the application in accordance with section 108, with the necessary modifications.	
Short term licence	110D. (1) The Director may, where the Director considers it necessary or where a short term public service vehicle road service licence or goods vehicle road service licence is required in the public interest, issue a short term public service vehicle road service licence or goods vehicle road service licence to an applicant in the prescribed manner and form on payment of the prescribed fee.	10
	(2) A short term public service vehicle road service licence or goods vehicle road service licence shall be valid for a period of three months.	20
	(3) A short term public service vehicle road service licence or a goods vehicle road service licence issued under subsection (1), shall permit the licensee to temporarily use a public service vehicle or goods vehicle for the purposes of—	25
	(a) seasonal business; (b) carrying out a particular piece of work; or (c) any other authorised activity.	
	(4) Section 108 applies, with the necessary modifications, to the issuance of a licence under this section.	30
Extension of validity of licence	110E. Where proceedings are pending before the Director on an application by a holder of a public service vehicle road service licence or a goods vehicle road service licence, other than a short term licence, for the grant of a new licence in substitution for an existing licence, the existing licence shall continue in operation until the application is disposed of, without prejudice, to the exercise of power of suspension and revocation conferred by this Part.	35
		40

	<p>110F. (1) A person who operates an online car-hailing application shall obtain a permit from the Director and comply with the terms and conditions as the Director may determine.</p>	Prohibition to operate online a car-hailing without permit
5	<p>(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.</p>	
10	<p>26. Section 120 (2) of the principal Act is amended by the deletion of the words “six hours” and the substitution therefor of the words “two hours”.</p>	Amendment of section 120
	<p>27. Section 148 of principal Act is amended by the insertion of the following new subsection immediately after subsection 4:</p>	Amendment of section 148
15	<p>(5) Despite subsection (4), the speed limit tolerance for different speed limits shall be as follows:</p>	
	<p>(a) ten percent plus two for thirty kilometres per hour, forty kilometres per hour and fifty kilometres per hour speed limits; and</p>	
20	<p>(b) ten kilometres per hour for all speed limits from sixty kilometres per hour and above.</p>	
	<p>28. Section 149 of the principal Act is amended—</p>	Amendment of section 149
	<p>(a) in paragraph (b), by the deletion of words “a rescue organisation” and the substitution therefor of the words “an emergency rescue organisation”;</p>	
25	<p>(b) by the deletion of paragraph (c) and the substitution therefor of the following:</p>	
	<p>(c) Zambia Police Service;; and</p>	
	<p>(c) by the insertion of the following new paragraphs immediately after paragraph (c):</p>	
30	<p>(d) the Agency; and</p>	
	<p>(e) the Defence Force and national security services.</p>	
35	<p>29. Section 153(4) of the principal Act is amended by the deletion of the words “bell or” and the substitution therefor of the words “bell, turret light, or”.</p>	Amendment of section 153

Amendment of section 158	<p>30. Section 158 of the principal Act is amended—</p> <p>(a) by the deletion of subsection (1) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(1) A person who has been arrested for an offence under section 156 or 157 shall be required to take a medical examination or a breathalyser test to ascertain whether, that person was under the influence of intoxicating liquor or narcotic drugs to an extent so as to have been incapable of having proper control of a vehicle.;</p> <p>(b) by the insertion of the following new subsection immediately after subsection (1):</p> <p style="padding-left: 40px;">(2) A medical examination and breathalyser test referred to under subsection (1) shall be conducted by a medical practitioner, and road traffic inspector in uniform or police officer, respectively;</p> <p>(c) in subsection (3), by the deletion of words “subsection (5)” and the substitution therefor of the words “subsection (6)”;</p> <p>(d) in subsection (4), by the deletion of the words “of breath or submit to” and substitution therefor of the words “of breath or a breathalyser test or submit to”; and</p> <p>(e) in subsection (5) (b), by the deletion of the words “subsection (2)” and the substitution therefor of the words “subsection (3)”;</p> <p>(f) by the renumbering of subsections (2), (3), (4), (5), (6), (7) and (8) as subsections (3), (4), (5), (6), (7), (8) and (9), respectively.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
Amendment of section 170	<p>31. Section 170 of the principal Act is amended—</p> <p>(a) in subsection (1), by the deletion of the words “subsection (3)” and the substitution therefor of the words subsection (4)”;</p> <p>(b) by the insertion of the following new subsections immediately after subsection (2):</p>	<p>35</p>

- (3) A person who fails to comply with a speed limit road traffic sign commits an offence and is liable, on conviction, if the speed limit is exceeded by—
- 5 (a) less than fifteen kilometres per hour above the tolerance limit, to a fine not exceeding seven hundred and fifty penalty units;
- 10 (b) fifteen kilometres per hour or more but less than thirty kilometres per hour above the tolerance limit, to a fine not exceeding one thousand penalty units;
- 15 (c) thirty kilometres or more but less than forty-five kilometres per hour above the tolerance limit, to a fine not exceeding one thousand two hundred and fifty penalty units;
- 20 (d) forty-five kilometres per hour or more but less than sixty kilometres per hour above the tolerance limit, to a fine not exceeding one thousand five hundred penalty units; or
- 25 (e) sixty kilometres or more above the tolerance limit, to a fine not exceeding three thousand penalty units. and
- (c) by the renumbering of subsections (3) and (4) as subsections (4) and (5), respectively.
- 30 **32.** Section 172 (3)(b) of the principal Act is amended by the deletion of the word “Minister” and the substitution therefor of the word “Director”. Amendment of section 172
- 33.** The principal Act is amended by the repeal of section 177 and the substitution therefor of the following: Repeal and replacement of section 177
- 35 **177.** (1) The driver of a motor vehicle on a public road shall, where the driver intends to enter any public road which constitutes a junction of two or more public roads with vehicular traffic approaching from all directions and Right of way at stop junction

	is required to stop at that junction, yield the right of way to the vehicular traffic which arrives at the junction before that driver on a first come first go basis, unless the driver's entry into that junction is controlled by an instruction given or a direction conveyed by a road traffic inspector in uniform or a police officer or communicated by a traffic sign requiring the driver to act differently.	5
	(2) Subsection (1) applies to a junction that is controlled by traffic lights, where those traffic lights are not working.	
Amendment of section 180	34. Section 180(1) of the principal Act is amended by the insertion of the following new paragraph immediately after paragraph (n):	10
	(o) drive a motor vehicle on a road in an organised procession, other than a funeral procession, except in accordance with a permit issued by the Zambia Police Service.	15
Insertion of section 180A	35. The principal Act is amended by the insertion of the following new section immediately after section 180:	
Right of way of presidential motorcade	180A. (1) A person driving a motor vehicle on a public road shall give an immediate and absolute right of way to a Presidential motorcade.	20
	(2) A person who contravenes this section commits an offence and is liable, on conviction in the case of a	
	(a) first offence, to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding three months, or to both; and	25
	(b) second or subsequent offence, to a fine not exceeding six thousand penalty units or to a term of imprisonment not exceeding six months, or to both.	
Insertion of sections 181A and 181B	36. The principal Act is amended by the insertion of the following new sections immediately after section 181:	30
Prohibition to drive or ride tricycle, scooter or quad bike on public road	181A. (1) A person shall not drive or ride a tricycle, scooter or quad bike on a tarred public road.	
	(2) Subsection (1) does not apply to the use of a tricycle, scooter or quad bike within a radius of two hundred metres or from the point of that tricycle, scooter or quad bike to a public road.	35

(3) A person who contravenes this section commits an offence and is liable, on conviction, in the case of a—

(a) first offence, to a fine not exceeding one thousand five hundred penalty units; and

5 (b) second or subsequent offence, to a fine not exceeding six thousand penalty units.

181B. (1) A person shall not use a motor vehicle on a public road unless that motor vehicle meets the requirements of this Act.

Requirement to use motor vehicle on public road

10 **37.** Section 184 of the principal Act is amended—

Amendment of section 184

(a) by the insertion of the following new subsection immediately after subsection (4):

15 (5) A person shall not, where a pedestrian crossing is available within fifty metres, cross the road from any other point besides the pedestrian crossing.;

(b) in subsection (6), by the deletion of the word “three” and the substitution therefor of the word “one”; and

(c) renumbering of subsections (5) and (6) as subsections (6) and (7), respectively.

20 **38.** The principal Act is amended by the repeal of section 187 and the substitution therefor of the following:

Repeal and replacement of section 187

25 **187.** (1) Despite sections 185 and 186, the driver of the following motor vehicles may stop or park the motor vehicle concerned at any place where it may be necessary to do so:

Certain motor vehicles to stop and park at any place

(a) a motor vehicle belonging to

(i) a fire fighting organisation;

(ii) an emergency rescue organisation or hospital;

30 (iii) the Zambia Police Service in execution of its duties; and

(iv) the Agency in execution of its duties; or

(b) a motor vehicle in the execution of the driver’s duties in the construction or maintenance of a public road, or rendering an essential public service.

	(2) A motor vehicle stopped or parked in accordance with subsection (1) shall, while that motor vehicle is so stopped or parked, display appropriate identification lamps.	
Amendment of section 212	39. Section 212(1) of the principal Act is amended by the insertion of the following new paragraph immediately after paragraph (g):	5
	(h) impound any motor vehicle which is reasonably suspected of being or having been used for cross border road transportation contrary to this Act, or any agreement to which Zambia is a party to.	10
Insertion of section 226A	40. The principal Act is amended by the insertion of the following new section immediately after section 226:	
Honourary road traffic inspectors	226A. (1) Subject to subsection (6), the Director may, by notice in the <i>Gazette</i> , on the terms and conditions that the Director may determine, appoint a suitably qualified person as an honourary road traffic inspector for a period not exceeding three years, and may renew that appointment for a further three years.	15
	(2) The Director may, by notice in the <i>Gazette</i> , revoke or renew an appointment made under subsection (1).	20
	(3) The appointment of an honorary inspector may be—	
	(a) general to empower the honorary inspector to act in any area of the Republic; or	
	(b) limited to empower the honorary inspector to act in an area of the Republic as may be specified in the instrument of appointment.	25
	(4) The Director shall not appoint a person who is not a citizen to perform the functions of an honourary road traffic inspector.	30
	(5) Subject to this Act and to the terms of the instrument of appointment, an honorary inspector shall, within the terms of the appointment, exercise the functions and perform the duties of a road traffic inspector.	
	(6) The Minister may, on the recommendation of the Agency, prescribe the terms of engagement and conditions applicable to honorary road traffic inspectors in the execution of their duties.	35

41. The principal Act is amended by the insertion of the following new sections immediately after section 232:

Insertion of sections 232A and 232B

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232A. (1) A person commits an offence if that person—

Cross border road traffic

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(a) undertakes carbotage without the required permit or being a permit holder, undertakes cabotage contrary to the provisions of the permit;

(b) abrogates the third country rule;

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(c) undertakes or permits another person to undertake cross border road transportation without the required permit; and

20

(d) uses a permit belonging to another person to undertake cross border road transportation, or being a permit holder, agent, or employee, of a permit holder, permits a person who does not hold a permit, to use the permit holders' permit.

(2) A person convicted of an offence under subsection (1) is liable, in the case of a—

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(a) first offence, to a fine not exceeding sixty thousand penalty units or to imprisonment for a term not exceeding one year; and

30

(b) second or subsequent offence, to a fine not exceeding one hundred and fifty thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

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232B. (1) Subject to the Forfeiture of Proceeds of Crime Act, 2010, where a court convicts a person for an offence under 232A, the court may, in addition to the penalty specified in that section, order that the vehicle used and any freight conveyed on it without authority, or the convicted person's rights to that vehicle or freight be forfeited to the state.

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(2) Any order made under subsection (1) shall not affect any rights which any person other than the person who is convicted may have to the vehicle or freight if it is proved that such other person—

	(a) could not reasonably be expected to have known or had no reason to suspect that the vehicle was being or would be used for unauthorised road transport or that the person could not prevent such use; or	5
	(b) where the person knowing that the person intended to use the vehicle for unauthorised transport could not have reasonably prevented such use.	
Amendment of section 233	42. Section 233 (2) of the principal Act is amended by—	
	(a) deletion of paragraph (kk) and the substitution therefor of the following:	10
	(kk) prescribing the—	
	(i) hours and conditions of service of the drivers of classes of motor vehicles that may be specified, regulating the licensing and conduct of drivers of public services vehicles and of conductors of an omnibus, and the badges to be worn by the drivers and conductors; and	15
	(ii) timetables and the payment of fares for public service vehicles, and regulating the conduct of passengers in passenger carrying public services vehicles;	20
	(b) insertion of the following new paragraphs immediately after paragraph (yy):	
	(zz) providing for the collaborative framework between Zambia Police Service and the Agency including, but not limited to, traffic law enforcement and the system for collecting, storing and disseminating road crash statistics; and	25 30
	(aaa) providing for sanctioning of drivers, who are convicted of offences, through the imposition of demerit points leading to the suspension or cancellation of driving licences, and providing for the reward of law abiding behaviour by reducing demerit points imposed if offences are not committed over specified periods;	35
	(bbb) regulating online car-hailing services;	
	(ccc) prohibiting the use of certain types of vehicles as a taxicab;	45

- 5
- (*ddd*) regulating the installation of bill boards on road islands and reserves, and the installation of electronic bill boards on public service vehicles in consultation with an appropriate authority, in the interest of road safety; and
- (c) by the renumbering of paragraph (*zz*) as paragraph (*eee*).

10 **43.** The principal Act is amended by the repeal of the First Schedule and the substitution therefor of the Schedule set out in the Appendix. Repeal and replacement of First Schedule

44. The Third Schedule to the principal Act is amended by the deletion of the words “No” and “Yes” in the column for “Suspension” under section 118 (1) and (2) and the substitution therefor of the words “Yes” and “No”. Amendment to Third Schedule

APPENDIX

(Section 43)

FIRST SCHEDULE

(Sections 3 and 5)

PART I

5

ADMINISTRATION OF AGENCY

Seal of
Agency

1. (1) The seal of the Agency shall be a device that may be determined by the Agency and shall be kept by the Director.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director or one other person authorised in that regard by a resolution of the Board. 10

Tenure of
office for
members
and
vacancy

2. (1) A member of the Board shall hold office for a term of three years and may be re-appointed for a further and final term of three years on terms and conditions that may be specified in the instrument of appointment. 15

(2) On the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall the further period exceed three months.

(3) The office of a member shall become vacant if that member— 20

(a) dies;

(b) is adjudged bankrupt;

(c) is absent from three consecutive meetings of the Board, of which the member has had notice, without the prior approval of the Board; 25

(d) resigns;

(e) is legally disqualified from performing the functions of a member;

(f) is convicted of an offence under any other written law and is sentenced to imprisonment for a term exceeding six months without the option of a fine; or 30

(g) ceases to be a representative of the ministry, institution, or organisation that nominated or appointed that member to sit on the Board. 35

(4) The Minister shall, where there is a vacancy in the membership of the Board, before the expiry of the term of office, appoint another person to replace that member but that person appointed shall hold office for the remainder of that term.

5 3. (1) Subject to this Act, the Board may regulate its own procedure. Proceedings of Board

(2) The Board shall meet at least once every three months at a place that the Board may determine.

10 (3) The Chairperson shall, on giving notice of not less than seven days, call a meeting of the Board, if one-third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving shorter notice.

15 (4) The quorum of the Board at any meeting shall be five members excluding an *ex-officio* member.

(5) There shall preside at a meeting of the Board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or

20 (c) in the absence of the Chairperson and the Vice-Chairperson, a member elected from among the members present at the meeting for the purpose of that meeting.

25 (6) A decision of the Board on any question shall be by a majority of members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

30 (7) Where a member is for any reason unable to attend the meeting of the Board, the member may, in writing, nominate another person from the same ministry, institution or organisation to attend the meeting in that member's place and that person shall be deemed to be a member for the purpose of that meeting but that person shall have no vote.

35 (8) The Board may invite any person, including an observer, whose presence, in its opinion, is desirable to attend and participate in the deliberation of a meeting of the Board, but that person or observer shall have no vote.

(9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and any committee of the Board.

Committees	<p>4. (1) The Board may, for the purpose of performing its function, constitute committees that it considers necessary and delegate to those committees any of its functions or the functions of the Agency.</p> <p>(2) The Board may appoint, as members of a committee, persons who are or are not members of the Board, except that at least one member of the Board shall be a member of a committee.</p> <p>(3) A member of a committee shall hold office for a period that the Board may determine.</p> <p>(4) A committee shall have the power to invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of the meeting of the committee but that person shall have no vote.</p> <p>(5) A person presiding at a meeting of a committee shall cause a record to be kept of the proceedings of the meeting and shall cause to be submitted to the Board that record, as soon as possible after a meeting of the committee.</p> <p>(6) Subject to any specific or general direction of the Board and other provisions of this section, a committee may regulate its own procedure at a meeting.</p>	5 10 15
Allowances	<p>5. A member of the Board or a member of a committee of the Board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.</p>	20
Disclosure of interest	<p>6. (1) If any person is present at a meeting of the Board or a committee of the Board at which any matter, in which that person or any member of that person's relative or associate is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable during the meeting disclose that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.</p> <p>(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.</p>	25 30
Prohibition of publication or disclosure of information to unauthorised person	<p>7. (1) A person shall not, without the consent in writing given by or on behalf of the Board or as otherwise permitted by any written law, publish or disclose to any other person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of, that person's duties under this Act.</p>	35

(2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

5 (3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates that information to any other person, that person commits an offence and is liable, on conviction, to a fine not exceeding two hundred
10 thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(4) Nothing in this paragraph shall be interpreted to prohibit the publication and dissemination of a final decision of the Board.

15 **10.** An action or other proceeding shall not lie or be instituted against a member of the Board, a member of the committee of a Board or a member of staff of the Agency, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers or functions conferred under this Act. Immunity

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PART II

FINANCIAL PROVISIONS

- 25 **8.** (1) The funds of the Agency consists of moneys that may— Funds of Agency
- (a) be appropriated to the Agency by Parliament through the Road Fund;
 - 25 (b) be allocated to the Agency from the Road Fund;
 - (c) be paid to the Agency by way of grants or donations through the Road Fund; and
 - (d) vest in, or accrue to, the Agency.
- (2) There shall be paid from the funds of the Agency
- 30 (a) salaries, allowances, loans, gratuities and pensions of staff of the Agency and other payments for the recruitment and retention of staff;
 - (b) reasonable traveling and subsistence allowances for
35 members and members of any committee of the Agency when engaged on the business of the Agency and at rates that the Emoluments Commission, on the recommendation of the Minister, may determine; and

- (c) any other expenses incurred by the Agency in the performance of its Act No. 1 of 2018 functions based on a percentage of the annual work plan.
- (3) Subject to the Public Finance Management Act, 2018, the Agency may, invest in a manner that the Agency considers appropriate, funds of the Agency that the Agency does not immediately require for the performance of the Agency's functions. 5
- 9.** The financial year of the Agency shall be the period of twelve months ending on 31st December of each year. Financial Year
- 10.** (1) The Agency shall cause to be kept proper books of account and other records relating to its accounts. 10 Accounts
- (2) The accounts of the Agency shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.
- (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Agency. 15
- 11.** (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Agency shall submit to the Minister a report concerning its activities during the financial year. Annual report
- (2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Agency and there shall be appended to the report— 20
- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income and expenditure; and
- (c) other information as the Minister may require. 25
- (3) The Minister shall not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.