

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 53 OF 2024

The Road Traffic Act, 2002

(Act No. 11 of 2002)

**The Road Traffic (Demerit Point System) Regulations,
2024**

IN EXERCISE of the powers contained in section 233 of the Road Traffic Act, 2002, the following Regulations are made:

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| 1. These Regulations may be cited as the Road Traffic (Demerit Point System) Regulations, 2024, and shall come into operation on the expiration of one hundred and eighty days from the date on which they are published in the <i>Gazette</i> . | Title and
Commencement |
| 2. In these Regulations, unless the context otherwise requires—

“accumulated demerit points” means the total demerit points in a person’s record acquired as a result of offences committed within a period of two years, less any points deducted for that period;

“Constitutional office holder” has the meaning assigned to the words in the Constitution;

“court” means the Subordinate Court or the High Court;

“demerit point” has the meaning assigned to the words in Act;

“driving licence” means a licence issued under the Act or its equivalent, authorising a person to drive a motor vehicle in the Republic;

“judge” has the meaning assigned to the word in the Constitution; | Interpretation

Cap. 1 |

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O.Box 30136, 10101 Lusaka Price K20.00 each*

Cap.1	“judicial officer” has the meaning assigned to the words in the Constitution;
Cap.1	“local authority” has the meaning assigned to the words in the Constitution;
	“licensing officer” has the meaning assigned to the words in the Act;
	“motor vehicle” has the meaning assigned to the words in the Act;
Cap.1	“public officer” has the meaning assigned to the words in the Constitution;
Cap.1	“State officer” has the meaning assigned to the words in the Constitution; and
	“road traffic inspector” means a road traffic inspector appointed under the Act.
Entry of demerit points	3. (1) The Director shall, where a person is convicted of an offence under the Act and the penalty imposed by a court for the conviction does not include a period that a licence is suspended or cancelled, record the number of demerit points that a person incurs from the date of conviction as set out in the Schedule. (2) Despite subregulation (1), a demerit point shall— (a) be recorded where a person is convicted of two or more offences arising out of the same incident and the penalty imposed by the court includes a period that the licence is suspended or cancelled; (b) be recorded for the conviction carrying the greatest number of points, where a person is convicted of two or more offences arising out of the same incident and the penalty imposed by the court does not include a period that the licence is suspended or cancelled; and (c) be recorded where a person appeals against a conviction by the court for an offence under the Act, unless the appeal is dismissed or abandoned in which case a demerit point shall be recorded, from the date the appeal is dismissed or abandoned.
Accumulated demerit points	4. (1) A person is permitted to incur a maximum number of twelve demerit points.

(2) Subject to subregulation (1), where a person accumulates demerit points above the allowable maximum, the driving licence of that person shall be suspended for a period that is equal in months to the number of demerit points by which the maximum number is exceeded, multiplied by three.

(3) The Director shall send a notice, by text message or other means that the Director may determine, to a person who has incurred demerits points above the allowable maximum referred to under subregulation (1)—

- (a) informing the person of the suspension of the driving licence and the period thereof;
- (b) informing the person, of that person's disqualification from obtaining another driving licence during the period of suspension; and
- (c) directing the person to surrender the driving licence within fourteen days of the notice, to the Director or the licensing officer in the district where the person resides.

(4) A person who—

- (a) drives or operates a motor vehicle during the period of suspension commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both;
- (b) fails to surrender a driving licence to the Director after being directed to do so under subregulation (3) (c) commits an offence and is liable, on conviction, to a fine not exceeding one thousand penalty units; or
- (c) applies for a driving licence during the period of suspension, commits an offence and is liable, on conviction, to a fine not exceeding one thousand penalty units.

(5) A police officer or road traffic inspector shall, in addition to the penalty specified under subregulation (4)(b), seize a suspended driving licence that is not surrendered within the period specified under subregulation (3)(c).

(6) Subject to subregulation (2), where a driving licence is not surrendered to the Director or licensing officer as provided under subregulation (3), the period of suspension shall run from the date of renewal of the driving licence, in which case, the Director shall retain the renewed driving licence until the period of suspension is served.

(7) A holder of a driving licence who serves the full term of the period of suspension referred to under this regulation, may apply to the Director for the release of the driving licence.

(8) Subject to subregulation (7), the Director shall, where the Director releases a driving licence on application made under subregulation (7), reduce the demerit points for the driving licence involved to zero.

Deduction of
demerit point

5. The Director shall deduct one demerit point from a person who does not commit an offence set out in the Schedule for a continuous period of four months from the last date the person incurred a demerit point.

Demerit
points
register

6. (1) The Director shall maintain a register of demerit points.

(2) A person who intends to obtain a copy of the register referred to under subregulation (1), shall apply to the Director for a copy of the register, on payment of a fee set out in the Road Traffic (Fees) Regulations, 2021.

S.I. No. 112
of 2021

(3) Despite subregulation (1), a fee shall not be paid if the person to whom copies are supplied is a public officer, State officer, Constitutional office holder, judge, judicial officer or a local authority acting in an official capacity.

SCHEDULE
(Regulation 3 and 5)



The Road Transport and Safety Agency

The Road Traffic Act, 2002
(Act No. 11 of 2002)

The Road Traffic (Demerit Point System) Regulations, 2024

LIST OF OFFENCES AND DEMERIT POINTS

Section	Offence	Penalties	Demerit Points
THE ROAD TRAFFIC ACT, 2002			
23	Use of Motor Vehicle on the road without test certificate.	1st Offence 2nd or subsequent Offence	1 2
29(1)	Obscured number plate	1st Offence 2nd or subsequent Offence	1 2
30(1)	Using a Public Service Vehicle on road without a valid road licence (Road Tax)	1st offence 2nd or subsequent offence	1 2
86(1)	Use of uninsured Motor Vehicle	1st offence 2nd or subsequent offence	2 3
101	Using a public service vehicle for carriage of goods without a valid Road Service Licence	1st offence 2nd or subsequent offence	1 2
102 (2)	Using a Motor Vehicle for carriage of persons without a valid Road Service Licence	1st offence 2nd or subsequent offence	2 3
115(2)	Carrying excessive number of passengers contrary to Section 115 (2)	1st offence 2nd or subsequent offence	1 2
117	Failure by public service vehicle driver to wear uniform	1st or subsequent offence	1

118	Consumption of intoxicating liquor or narcotic drugs by public service vehicle driver whilst on duty	1st offence 2nd or subsequent offence	2 2
133	(a) No Certificate of Fitness (b) Failure to display Certificate of Fitness (c) Obstruction of traffic inspector or Motor Vehicle examiner executing duties (d) Failure to stop Motor Vehicle when so required by a traffic inspector (e) Failure to comply with an order or directive given to the driver by the inspector or Motor Vehicle examiner	1st offence 2nd or subsequent offence	1 2
151	Road Racing/Trail of speed without consent of the Inspector-General of Police	1st offence 2nd or subsequent offence	3 4
152	Unnecessary Reversing (Travelling backwards for a longer distance than necessary)	1st or subsequent offence	3
153	Failure to give audible and sufficient warning using warning devices	1st or subsequent offence	2
154	Careless Driving	1st offence 2nd or subsequent offence	2 3
155(1)	Reckless/Dangerous Driving	1st offence 2nd or subsequent offence	6 8
156(1)	Being in charge of a Motor Vehicle when under the influence of intoxicating liquor or narcotic drugs	1st offence 2nd or subsequent offence	3 5
157(1)	Driving when under influence of intoxicating liquor or narcotic drugs	1st offence 2nd or subsequent offence	6 8
158(5)	(a) Failure to submit to medical examination (b) Failure to provide specimen of blood or urine contrary to 158(2)	1st offence 2nd or subsequent offence	6 8

161	Causing Death by reckless or dangerous driving	1st Offence	6
		2nd or subsequent offence	8
163	Driving Motor Vehicle in Dangerous Condition	1st offence	1
		2nd or subsequent offence	2
164	Unsecured load	1st offence	1
		2nd or subsequent offence	2
166	Exceeding authorised number of passengers	1st offence	1
		2nd or subsequent offence	2
167(3)	Failure to wear seat belt	1st offence	1
		2nd or subsequent offence	2
168	(a) Permitting a child below ten years to occupy the front passenger seat	1st offence	1
	(b) Driving a motor vehicle with a child who is less than ten years and who is not wearing a seat belt	2nd or subsequent offence	2
169	Driving when using a hand held mobile or telephone	1st offence	3
		2nd or subsequent offence	4
170(2)	Failure to obey road traffic signs	1st offence	2
		2nd or subsequent offence	3
171(2)	Failure to stop at level crossing	1st offence	1
		2nd or subsequent offence	2
172	Failure to obey school traffic warden's directive to stop a motor vehicle	1st offence	1
		2nd or subsequent offence	3
180(1)	Contravention of the provisions under Section 180 – duties of the Driver	1st offence	1
		2nd or subsequent offence	2
189	Failure to remove disabled vehicle from the carriageway	1st offence	2
		2nd or subsequent offence	3
192	Leaving motor vehicle unattended to without stopping the engine and preventing the vehicle from moving	1st or subsequent offence	1
193	Opening motor vehicle or trailer doors negligently	1st or subsequent offence	1

195	Unnecessary discharge of fuel, oil, lubricants or smoke	1st or subsequent offence	1
196	Refueling while engine is running or lights are on or lighting a match or introducing naked lights in close proximity to petrol or other inflammable fuel	1st or subsequent offence	1
	Refueling with passengers on board a public service vehicle	1st or subsequent offence	2
	Driver carrying petrol or any other inflammable fuel in a public service vehicle	1st or subsequent offence	2
198	Use of vehicle which does not comply with Regulations relating to the construction, equipment and use thereof	1st offence	1
		2nd or subsequent offence	2
199	Carrying more than one passenger on a motor cycle or riding a motor cycle with feet not resting securely on the foot rests or not sitting astride the cycle on a properly secured seat	1st or subsequent offence	1
201	Riding of bicycle or tricycles on a public road	1st or subsequent offence	1
206(1)	Unauthorised use of goods vehicle	1st or subsequent offence	2
206(2)	Carrying unauthorised passengers on a goods vehicle	1st or subsequent offence	2
206(3)	Carrying passengers on top of load without sufficient protection	1st or subsequent offence	2
210	Failure of driver to stop and to render assistance to person injured by motor vehicle	1st or subsequent offence	3
	Failure to report an accident where person is injured	1st or subsequent offence	2
211	Failure to provide report on an accident or failure to provide details in the case of an accident	1st or subsequent offence	1
213	Failure to comply with lawful instructions concerning vehicles suspected of been used as Public Service Vehicle contrary to section 213	1st or subsequent offence	1
214	Failure to produce motor vehicle documents on demand contrary to section 214	1st or subsequent offence	1
223	Unnecessary use of the hooter/sounding device of vehicle	1st or subsequent offence	1

The Road Traffic (Public Service Vehicles) Regulations, 2013			
7(7)	Using a vehicle on which the relevant identity certificate is not displayed	1st or subsequent offence	1
13	Using a motor omnibus, taxicab or hire car with passengers, while towing a trailer	1st or subsequent offence	2
14(1) and (4)	Failure to take reasonable precautions to ensure the safety of passengers in or on, or entering or alighting from, the omnibus	1st or subsequent offence	2
26	Failure by a public service vehicle driver to wear a uniform	1st or subsequent offence	1
The Road Traffic (Public Service Vehicles) (Driving Hours) Regulations, 2016			
3	Driving a public service vehicle for a continuous period exceeding 8 hours in day or for a period exceeding in aggregated forty-eight hours or more in 7 days	1st or subsequent offence	1
4	Failure by public service vehicle driver to take at least five minutes of rest after every two hours of driving	1st or subsequent offence	1
5	Failure by a public service vehicle driver to keep and complete the log book each time before using public service vehicle for journey	1st or subsequent offence	1
The Road Traffic (Public Service Vehicles) (Restriction on Night Driving) Regulations, 2016			
4	Using a public service vehicle or a vehicle in transit during restricted hours	1st or subsequent offence	3
The Road Traffic (Public Service Vehicles) (Global Positioning System) Regulations, 2016			
3(2)	Using a public service vehicle which is not equipped with GPS	1st or subsequent offence	3
The Road Traffic (Driving Licence) Regulations, 2020			
13	Driving a public service vehicle without a valid public service vehicle licence	1st or subsequent offence	2

LUSAKA

30th August, 2024
[MTL.64/9/12]

F. TAYALI,
*Minister of Transport and
Logistics*