



**Decree-Law 1/2011 of 23 March**

**THE ROAD TRAFFIC CODE**

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## **COUNCIL OF MINISTERS**

### **Decree-Law 1/2011**

**of 23 March**

The Road Traffic Code in force dates from 1954, and has not kept up to date with the increase in the number of vehicles and the development of transport techniques in Mozambique and the world.

The efforts expended, since national independence, on adapting the road traffic legislation to the current reality, and to standards in force in the SADC region, have resulted in the approval of various diplomas which are divergent, dispersed and difficult to consult, giving rise to the need for the revision of the Road Traffic Code.

In this context, in terms of the provisions of Article 204(1)(d) of the Constitution of the Republic, and of Article 1 of Law 5/2011, of 24 January, the Council of Ministers decrees:

#### **Article 1 - Approval of the Road Traffic Code**

The Road Traffic Code, attached hereto, and forming an integral part of this Decree-Law, is approved.

#### **Article 2 - Revocatory force**

1. The Road Traffic Code approved by Decree-Law 39 672, of 20 May 1954, and the following legal diplomas, are revoked:
  - a) Decree-Law 45 299, of 9 October 1963,
  - b) Decree 33/77, of 6 August,
  - c) Decree 7/80, of 14 November,
  - d) Decree 17/96, of 28 May,
  - e) Decree 56/96, of 28 May,
  - f) Decree 20/98, of 12 May,
  - g) Decree 11/2002, of 28 May,
  - h) Decree 13/2002, of 6 June.
2. All legislation which contradicts this Decree-Law is also revoked.

#### **Article 3 - Entry into Force**

This Decree-Law enters into force one hundred and eighty days after its publication.

Approved by the Council of Ministers, on 23 March 2011.

For publication.

The President of the Republic, Armando Emílio Guebuza.

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## **ROAD TRAFFIC CODE**

### **TITLE I - General Provisions**

#### **Article 1 - Definitions**

The terms utilized in this Road Traffic Code and in complementary legislation have the meanings contained in the glossary constituting Annexure 1, which forms an integral part thereof.

#### **Article 2 - Scope of application**

The provisions of this Code are applicable to transport on roads which are within the public ownership of the State, and on roads which are privately owned, when these are open for public transport, as regards everything which has not been specially regulated by agreement concluded with the respective owners.

#### **Article 3 - Freedom of transport**

1. On the roads referred to the previous article, circulation is unrestricted, subject to the restrictions contained in this Code and complementary legislation.
2. Acts which impede or hinder traffic, or compromise the security or the convenience of road users, must be refrained from.
3. Any person performing acts with the intention of impeding or hindering the circulation of motor vehicles, shall be penalized by way of fine of Mt 3,000, if a more serious sanction is not applicable in terms of another legal provision.

#### **Article 4 - Placement of obstacles on a public roadway**

1. The placement of obstacles which may impede or hinder traffic and compromise the security and convenience of road-users, is prohibited.
2. A contravention of the provisions of this number is punishable by a fine of 1,000 Mt.

#### **Article 5 - Use of a public roadway for other purposes**

1. The utilization of public roadways for the holding of parties, processions, competitive sporting events or any other activities which may affect normal traffic, requires the authorization of the Governor of the Province, on the national roads on which the event takes place, and of the district administrators or heads of administrative posts, or presidents of municipal councils, within towns, as per each situation.

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2. The Governor of the Province in which these events are to take place shall be responsible to provide the necessary policing.
3. The National Vehicle Institute (INAV) (INAV) shall be responsible for the issuing of an opinion on the conducting of competitive sporting events on public roadways, as regards those aspects relating to the flow of traffic, and road safety.
4. A contravention of the provisions of number 1 of this Article is punishable by a fine of 5000,00 Mt, and the offender shall reimburse the State for consequential damage to the public roadway.

### **Article 6 - Traffic suspension**

1. A traffic suspension shall only be ordered for reasons of security, serious emergency, or road works, or for the purpose of attending to the maintenance of surfaces, installations and works of art, and may relate only to a part of the road, or to vehicles of a certain type, weight or dimension, and communication between locations served by the road shall, whenever possible, be duly guaranteed.
2. Application for a traffic suspension, on national roads, shall be submitted to the National Vehicle Institute (INAV) (INAV) and in the case of local roads, to the Municipalities.
3. The entity which orders the suspension, shall announce it to the public at least three days in advance, always indicating its location, and probable duration.
4. In cases resulting from urgent and unforeseen motives, immediate suspension may be ordered, and the public announcement made as soon as possible thereafter.
5. No paved road may be delivered, after its construction, or reopened for traffic, after the performance of road works or maintenance, until it has been duly signposted, vertically and horizontally, in such a manner as to ensure that it is adequately safe for circulation.
6. The use of transversal undulations and sounders in order to reduce speed, is prohibited, except in those cases specially defined by the competent body or entity, within the standards and criteria established by the National Vehicle Institute (INAV) (INAV).

### **Article 7 - Temporary or permanent prohibition on the circulation of certain vehicles**

1. Whenever abnormal traffic circumstances exist, the circulation of certain types of vehicles or of vehicles which transport certain goods may be temporarily prohibited, by regulation

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2. The movement of certain types of vehicles or of those used for the transport of certain goods, on all, or only certain public roadways, may also be made conditional by regulation, either temporarily or permanently.
3. The prohibition or the setting of conditions referred to in the previous numbers shall be preceded by publication, by way of social communication, the distribution of brochures in affected areas, the displaying of informational posters, or other adequate measures.
4. A contravention of the provisions of numbers 1 and 2 is punishable by a fine of 1,000 Mt, and vehicles shall be prohibited from continuing their travels until the end of the period for which the prohibition is in force.

### **Article 8 - Traffic regulation**

1. The Minister overseeing the transport sector shall approve the regulations necessary for the effective enforcement of this Code, except for those approved by the Government.
2. Traffic regulation within towns shall be the responsibility of the respective administrative bodies or Municipalities, and shall be done by way of transport ordinances, which shall be published after the approval of their respective drafts by the NVI.
3. Once the relevant Municipality has been heard, the National Vehicle Institute (INAV) (INAV) may propose measures which it deems necessary for traffic regulation within any town, to the Minister overseeing the transport sector. The opinion of the Municipality may be dispensed with, if it is not given within a period of forty five days, counting from the date on which the request was submitted to it.

### **Article 9 - Traffic control**

1. Traffic control is the responsibility of:
  - a) The National Vehicle Institute (INAV) (INAV), on all roads;
  - b) Administrative bodies or Municipalities, within towns.
2. The National Vehicle Institute (INAV) (INAV) may, however, take upon itself the control of traffic within towns in the case of festivities, public protests, competitive sporting events or other occurrences which require the adoption of exceptional measures, and the traffic police (PT) shall participate in the enforcement of these measures, whenever their collaboration is requested.

### **Article 10 - Traffic Oversight**

1. The overseeing of compliance with the provisions of this code, and other transport legislation, shall, without prejudice to other entities with specific responsibility, be the responsibility of:

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- a) The traffic police (PT);
  - b) The National Vehicle Institute (INAV) (INAV);
  - c) The National Roads Administration (ANE), in the case of national roads; and Municipalities, in the case of municipal roads, streets, and rural roadways.
2. Traffic police (PT) agents shall carry identification, with their name and number visible on their uniform, on terms to be regulated.
  3. The entities referred to in lines b), c) and d), while on service missions, shall bear identification cards, in the format contained in Annexure II to this Code, and have the right to use and bear defensive weapons.
  4. The entities referred to in lines a), b), c) and d), when on service missions, have the right to travel, without making any payment, on public transport.
  5. Conditions for the use of private transport by the entities referred to in the previous number shall be set out in regulations.
  6. The National Vehicle Council (CNV) shall be responsible for harmonizing and coordinating the exercise of this competency by the entities listed above, and shall issue the instructions necessary for this purpose.

#### **Article 11 - Obedience towards overseeing agents**

1. All drivers of vehicles or animals shall be obliged to stop whenever a police authority or any of its agents, wearing the appropriate uniform and identification, as set out in no. 2 of the previous Article, indicates that they shall do so.
2. In the absence of police authorities or agents, authorities commanding military forces on a public roadway, when travelling in a military column, shall be competent to give the signal to stop referred to in the previous number, to the extent necessary to ensure that these forces may travel without interruption.
3. A contravention of the provisions of this Article is punishable by a fine of 1,000 Mt, except in the case in which an offender is late in complying with the signal to stop, in which case the fine shall be 500,00 Mt.

#### **Article 12 - Signposting on public roadways**

1. Public roadways shall be conveniently signposted at the places in which driving or parking is prohibited or subject to restrictions, and also where there are obstacles, concealed bends, intersections, junctions and level crossings, or other circumstances which require the special precaution of drivers.
2. Permanent signposting shall be the responsibility of the National Roads Administration (ANE), on national roads, and of the Municipalities, in the case of privately owned municipal roads, streets and paths, when open to public traffic, and

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in any of these cases, the National Vehicle Institute (INAV) shall approve the respective designs.

3. Obstacles shall be signposted by those who caused them, so as to make them clearly visible, and at the distance required to avoid any accident.
4. A contravention of the provisions of this number is punishable by a fine of 10,000.00 Mt.
5. No public road may be opened, or reopened, without its respective signposting having been approved by the National Vehicle Institute (INAV), and this Institute may order the retraction or alteration of any signposting which is unsafe for traffic.
6. When, for urgent reasons, traffic on a public roadway has been interrupted or made conditional, the authority which caused the interruption or imposed the conditions shall report this to the National Roads Administration (ANE), or the Municipalities, as the case may be.
7. A contravention of the provisions of the previous number is punishable by a fine of 5.000,00 Mt.

### **Article 13 - Traffic Signs**

1. The colors and forms of traffic regulating signs shall be regulated, in accordance with regional protocols and international conventions in force.
2. Licenses shall not be issued for the placing or inscription, on public and adjacent roadways, of any pictures, advertisements, posters or other advertising media which may be confused with traffic regulating signs, or impair their visibility or recognition, or the visibility of bends, intersections or junctions.

### **Article 14 - Hierarchy of rules**

1. Rules indicated on signs prevail over general traffic rules.
2. The hierarchy of rules derived from signposting, is the following:
  - a) Rules of temporary signposting, which modify the normal road use regime;
  - b) Rules resulting from illuminated signs;
  - c) Rules resulting from vertical signs;
  - d) Rules resulting from road markings.
3. The orders of traffic regulating agents prevail over rules resulting from signs and over traffic rules.
4. The violation of the rules which must be complied with, is prohibitive, and shall be punishable by way of a fine of 1,000 Mt.

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### **Article 15 - Priority vehicles**

1. The drivers of priority vehicles may, if necessary, fail to observe traffic rules and signs, with the exception of signals given by traffic regulating agents.
2. Notwithstanding, the drivers of priority vehicles may not, under any circumstance, place other road-users in danger, and shall in particular be obliged to suspend their onward travel at traffic-regulating red lights, or in the case of an obligatory signal to stop at an intersection or junction, but may proceed, after having taken the necessary precautions, without waiting for the signal to change.
3. Priority vehicles are considered to be those which are driven on an urgent first-aid mission, and government entourages, adequately signaling their travel.
4. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

## **TITLE II - Transport of Vehicles and Animals**

### **CHAPTER I - Common provisions**

#### **SECTION I - General Rules**

### **Article 16 - Circulation of vehicles and animals**

1. Any vehicle or animal in motion on a public roadway shall have a driver, except in the cases set out in this code for convoys, trailers and herds of animals.
2. Drivers shall, while driving, refrain from performing any acts which may prejudice the safety of their driving.
3. Drivers shall not drive around with part of their body outside of the vehicle.
4. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 17 - Direction of travel**

1. Vehicles or animals shall be driven on the left of carriageways, and as close as possible to shoulders or sidewalks but at the distance from these required to avoid any accident.
2. In the case of manifest necessity, except as provided for in local regulations, the right hand side of the carriageway may be used for overtaking or changing direction of travel.
3. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.



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### **Article 18 - Multiple traffic lines**

1. Whenever it is possible for two or more lines of traffic to travel in the same direction, this shall be done in the furthest left-hand lane, and the other may be used if there is no space in that lane, and also for overtaking or changing direction of travel.
2. In the towns, a driver may use the lane most convenient for his purposes, and may only change lanes after having taken the necessary precautions, for the purpose of changing direction of travel, overtaking, stopping or parking.
3. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 19 - Commencement of travel**

1. Drivers may not start, or recommence driving, without the necessary advance signaling of their intention, and without adopting the precautions necessary for the avoiding of any accident.
2. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 20 - Distance between vehicles**

1. The driver of a vehicle en route shall maintain a distance between his vehicle and that which precedes him, which is sufficient for the avoiding of accidents in the case of the sudden stop or slowing down of his vehicle.
2. The driver of a vehicle en route shall maintain a lateral distance between his vehicle, and vehicles travelling on the same carriageway, in the same or opposite direction, which is sufficient for the avoiding of accidents.
3. A contravention of the provisions of this Article is punishable by a fine of 1,000.00 Mt.

### **Article 21 - Shoulders and sidewalks**

1. Vehicles and animals may cross shoulders or sidewalks, provided that access to buildings requires it, except as provided for in local regulations.
2. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

### **Article 22 - Traffic at intersections, junctions and traffic circles**

1. At intersections, junctions and traffic circles, traffic shall flow so as to keep the central part thereof, or boards, poles, directional islands or similar devices, on the right hand side, provided that they are placed on the centre line of the road on which vehicles or animals are travelling.

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2. When, on the roadway, there are some of the devices referred to in no. 1, the traffic, without prejudice to the provisions of articles 17 and 18, must flow so that these devices are on the right hand side, except if they are found on a one-way road, or on a part of the roadway which is used for travel in only one direction, in which cases travel must take place on the right or the left, depending on the destination.
3. When approaching any type of intersection, the driver of a vehicle should be especially prudent, travelling at moderate speed, so as to keep his vehicle safe, so as to allow pedestrians and vehicles which have right of way to proceed.
4. At intersections and junctions, a driver may not overtake.
5. A contravention of the provisions of the previous numbers shall be punishable by way of a fine of 1,000 Mt.

## **SECTION II - Driver signals**

### **Article 23 - Signalling of maneuvers**

1. When a vehicle commences travelling, slows down, stops, changes direction of travel or lane, starts to overtake or changes its direction of travel, and in all cases in which it is necessary to indicate its approach, the driver shall be obliged to use a mechanical light or sound device, or, in the absence thereof, his arm, to make the corresponding signal, as per regulations, with due warning.
2. The measure shall continue to be taken while the maneuver is effected, and shall cease as soon as it has been concluded.
3. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

### **Article 24 - Sound signals**

1. Sound signals shall be brief, used moderately, and shall in no case be used to protest against traffic interruptions, or as ways of calling others.
2. Their tuning or adjustment on a public roadway, is prohibited.
3. It shall only be permissible to use sound signals in the following cases:
  - a) Imminent danger;
  - b) Outside of towns, to warn a driver of the intention to overtake him, and also on bends, intersections, junctions and slopes with reduced visibility.
4. Within towns, sound signals may only be used in the case of manifest necessity, and may be prohibited in zones in which traffic regulation is conducted by traffic officers, or by illuminated signs.

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5. In towns, the use of signals consisting of different simultaneous or alternating sounds shall always be prohibited, as well as sounds produced by a vacuum, compressed air or other system which has the same effect.
6. The signals of police, first-aid or emergency service vehicles are exempted from the provisions of the previous numbers.
7. The characteristics of sound signal emitting devices shall be regulated.
8. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

### **Article 25 - Special sound signals**

1. In police vehicles, and those vehicles utilized for first-aid or emergency services special devices may be used for the emitting of sound signals, the characteristics and manner of usage of which shall be regulated.
2. The utilization of the devices referred to in the previous number in other vehicles is prohibited, along with the emitting of sound signals which may be confused with those emitted by such devices.
3. The contravention of the provisions of number 2 is punishable by a fine of 1.000,00 Mt and by the forfeiture of the objects concerned, and the enforcement agent shall immediately remove and seize these, or, if this is not possible, seize the registration document of the vehicle, which shall be returned as soon as the offender presents such objects to the fining authority.

### **Article 26 - Substitution of sound signals**

1. When vehicles are travelling with their lights on because of a lack of visibility, caused by meteorological or environmental conditions, in particular, in case of for, rain, snowfall and smoke or dust clouds, sound signals may be replaced with headlight signaling, used intermittently, and so as not to cause glare.
2. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

### **Article 27 - Light signals**

1. When vehicles travel outside of towns, with their lights on, because of a lack of visibility, sound signals may be substituted by light signals, by way of the alternate use of bright and normal lights, but always without causing glare.
2. Inside of towns, during the night, it shall be obligatory to substitute sound signals with light signals used in the conditions set out in the previous number.
3. Police vehicles and vehicles used for first-aid or emergency services, in the public interest, may use special light signals, the characteristics and conditions of use of which shall be set out in regulations.

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4. Vehicles which, because of the services for which they are intended, need to stop on a public road or travel slowly, must use special light signals, the characteristics and conditions of use of which shall be set out in regulations.
5. The installation or utilization of the signals referred to in the previous numbers is not permitted in any other vehicles.
6. The contravention of the provisions of numbers 2 and 4 shall be punished by way of a fine of 1,000 Mt.
7. The contravention of the provisions of no. 5 shall be punished by way of a fine of 2,000 Mt, and with the loss of objects, and the supervising agent shall immediately remove and seize such objects, or, if this is not possible, seize the vehicle's identification document, until the effective removal and seizure of such objects.

### **Article 28 - Reduced or insufficient visibility**

For the purposes of this code and complementary legislation, reduced or insufficient visibility at any point in a road shall be understood to mean that the driver cannot see the entire width of the carriageway for a distance of at least 50 meters.

## **SECTION III - Speed**

### **Article 29 - General principles**

1. Drivers must regulate the speed of their vehicles so as to avoid danger to the security of persons and of things, and so as not to disturb or hinder traffic, taking into account the characteristics of their vehicles, the conditions of the road, the physical and psychological state of the driver, the density of the traffic and any other special circumstances.
2. Except in the case of imminent danger, a driver may not suddenly diminish the speed of his vehicle without having ascertained, in advance, that this will not cause danger to other road-users, in particular to drivers of vehicles following him.

### **Article 30 - Excessive Speed**

1. Speed shall be considered to be excessive whenever a driver is not able to stop his vehicle in the free space which is visible in front of him, or exceeds the speed limits set down by law.
2. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 31 - Slow travel**

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1. Without prejudice to the maximum limits set down, vehicles shall not travel so slowly as to cause an unjustified hindrance to the remaining road-users.
2. A breach of the provisions of this Article is punishable by a fine of 500.00 Mt.

### **Article 32 - Adjusted speed**

1. Speed shall in particular be adjusted in the following cases:
  - a) On steep descents; At bends, at intersections, junctions, traffic circles, slopes in the road, bridges, tunnels and level crossings, and in other areas in which visibility is reduced;
  - b) Next to schools, hospitals, crèches and similar establishments, when duly signposted;
  - c) In towns, or on roads lined with buildings;
  - d) When approaching groups of people or animals;
  - e) At intersections with other vehicles;
  - f) In all places in which there is reduced visibility;
  - g) On sections of roads which are in a bad state, wet or muddy, or which are slippery;
  - h) On crossings on carriageways, indicated as pedestrian crossings;
  - i) At places signposted with danger signs;
2. Heavy vehicles may not travel on steep descents without utilizing the engine as an auxiliary brake.
3. On bridges, tunnels and level crossings, animals must cross in single file, whether harnessed or not.
4. A contravention of the provisions of number 1 is punishable by way of a fine of 1,000 Mt.

### **Article 33 - Speed Limits**

1. Without prejudice to the provisions of Articles 29 and 32, and the lower limits which may be imposed in terms thereof, drivers may not exceed the following instantaneous speeds (in kilometers per hour):

Classes and types of vehicles	Speed in Km:/h.	
	Inside of Towns	Outside of Towns
Mopeds and quadricycles	40	45
Motorcycles:		
Simple	50	90

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With side car	50	70
Light vehicles:		
Passenger and mixed use:		
Without trailer	60	120
With trailer	60	100
Goods:		
Without trailer	60	100
With trailer	60	100
Heavy automobiles:		
Passenger	60	100
Goods and mixed use	60	100
Agricultural tractor with or without trailer	30	40

2. Any person exceeding the maximum speed limits may be punished by way of a fine, without prejudice to the provisions of Articles 146 and 147, in terms of the following tables:

	<b>Light vehicle or motorcycle</b>		
	<b>Speed</b>	<b>Amount of Fine</b>	<b>Contravention</b>
<b>Within towns</b>	Exceeded by up to 20km/h	1,000 Mt	Minor
	From 20 to 40 km/h	2,000 Mt	Medium
	From 40 to 60 km/h	4,000 Mt	Serious
	More than 60 km/h	8,000 Mt	serious
<b>Outside of towns</b>	Exceeded by up to 30km/h	1,000 Mt	Minor
	From 30 to 60 km/h	2,000 Mt	Medium
	From 60 to 80 km/h	4,000 Mt	Serious
	More than 80 km/h	8,000 Mt	serious

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	<b>Other vehicles</b>		
	<b>Speed</b>	<b>Amount of Fine</b>	<b>Contravention</b>
<b>Within towns</b>	Exceeded by up to 10km/h	1,000 Mt	Minor
	From 10 to 20 km/h	2,000 Mt	Medium
	From 20 to 40 km/h	4,000 Mt	Serious
	More than 40 km/h	8,000 Mt	serious
<b>Outside of towns</b>	Exceeded by up to 20km/h	1,000 Mt	Minor
	From 20 to 40 km/h	2,000 Mt	Medium
	From 40 to 60 km/h	4,000 Mt	Serious
	More than 60 km/h	8,000 Mt	serious

3. Without prejudice to the provisions of Article 31, on freeways, drivers may not drive their vehicles at a speed of less than 40 km/h.
4. Non-professional drivers who have been qualified to drive vehicles of a determined class for less than one year, may not exceed a speed of 90km/hour when driving these vehicles, without prejudice to the lower limits set down in legal terms.
5. Speed monitoring shall be undertaken by using appropriate equipment, on terms set out in a joint diploma of the Ministers responsible for the sectors of transport and the interior.
6. Drivers who exceed the speed limit by travelling at double the established limit, or more, shall be punished by way of a prison sentence of between 3 days and 3 months, without prejudice to payment of the corresponding fine.

### **Article 34 - Regional speed limits**

1. Maximum speed limits for designated regions or communication routes may be set by order of the Minister responsible for the transport sector, during periods in which the intensity and characteristics of traffic require this, as a security measure.
2. Such decisions shall be announced to the public by way of the usual sources of information.

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### **Article 35 - Speed limits for specific forms of transport**

1. Whenever it is deemed convenient, the Ministry responsible for the transport sector may decrease or increase the speed limits for automobiles utilized for specific forms of transport, and also establish, in each case, the minimum time which must be spent on a given route.
2. In these cases, the authority licensing transport activities shall indicate, on the respective license, the speed limits defined in terms of the previous number.

### **Article 36 - Special speed limits**

The Minister responsible for the transport sector may also, on his own initiative, or on the proposal of the National Roads Administration (ANE), or of entities responsible for the administration of urban centers, set maximum or minimum speed limits which are different from those set out in the preceding articles, on roads in which the conditions of traffic make this advisable, and such limits shall be duly signposted.

### **Article 37 - Non-compliance with special speed limits**

Non-compliance with maximum speed limits for specific forms of transport, regions or urban zones is punishable in terms of Article 33.

## **SECTION IV - Giving way, intersections, junctions and traffic circles**

### **Article 38 - Right of way**

1. A right of way is deemed to be that right which a driver has to proceed first.
2. A right of way permits drivers having this right, once they have taken the necessary precautions, not to modify their speed or direction, and obliges all other drivers to slow down or stop, and if necessary, to reverse their vehicle, so as to allow them to pass.
3. Those who have a right of way, are:
  - a) At non-signposted intersections, drivers coming from the right hand side, provided that they shall respect the priorities set out in the following lines;
  - b) Drivers who travel on freeways, in relation to all other vehicles on their respective access ramps, including vehicles and convoys indicated in lines c) and d);
  - c) Drivers of priority and police vehicles, duly signaling their travel;
  - d) Military and militarized convoys, who must, however, take the necessary measures so as not to hinder traffic, and to prevent accidents.
4. These rules of priority are applicable whenever there is no special signposting defining another way of proceeding.



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5. Drivers shall not enter an intersection or junction, even if a right of way or automatic signal authorizes them to advance, if it is foreseeable that the intensity of traffic will oblige them to stop in the middle of this intersection or junction, and will hinder or impede traffic.
6. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 39 - Giving way**

1. Those who must give way, are:
  - a) Drivers exiting any parking lot, a filling station, or any private building or path;
  - b) Drivers entering a freeway, or a road reserved for automobiles and motorcycles, provided that this is duly signposted by the respective access ramps;
  - c) Drivers who, at an intersection, intend to turn to the right, in relation to those who, on the same road, are travelling from the opposite direction and continue travelling straight ahead, or turn to the left;
  - d) Drivers entering a traffic circle;
  - e) Drivers of non-motorized velocipedes, of animal-drawn vehicles, or of animals, except in front of drivers in the situation referred to in line a);
  - f) Drivers who, in relation to pedestrians who have initiated their crossing on a pedestrian crossing, and when these drivers turn in front of pedestrians who are crossing the carriageway on which they intend to proceed;
  - g) Drivers, to a person who is visually deficient.
2. In order to permit the circulation of a priority or police vehicle which is duly signaling its travel, and travelling on a congested roadway, drivers must leave free a passageway on the right of that part of the carriageway which is used for travel in that direction, must drive as far on the left as possible, and may, if necessary, utilize the road shoulders, except if on a freeway.
3. At intersections or junctions on which there are obligatory stop signs for traffic travelling in all directions, passage shall proceed in accordance with the successive arrival of vehicles.
4. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 40 - Giving way to certain vehicles**

1. Without prejudice to the provisions of the previous Article, drivers shall give way to military or militarized convoys.
2. The driver of a velocipede, or of a vehicle pulled by people or animals, or of animals, shall give way to motor vehicles, unless these exit from the places referred to in line a) of number 1 of the previous Article.

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3. At intersections, junctions and traffic circles, drivers shall give way to vehicles which travel on rails.
4. The convoys referred to in number 1, as well as drivers of vehicles which travel on rails, shall take the necessary precautions so as not to hinder traffic, and so as to avoid accidents.
5. A contravention of the provisions of number 1 of this Article is punishable by a fine of 1.000,00 Mt.
6. A contravention of the provisions of n.º 2 of this Article is punishable by a fine of 500.00 Mt.

### **Article 41 - Passing of vehicles**

1. Vehicles "pass" when the drivers of two vehicles travelling on the same road, and in opposite directions, pass each other simultaneously.
2. When, on the same road, two vehicles meet, travelling in different directions, each of the drivers shall leave a sufficient lateral distance between his vehicle and that which will pass it, so as to allow the passing to take place in safety.
3. If it is not possible to effect such passing in the said manner, because the road is partially obstructed, the driver which must negotiate the obstacle shall reduce his speed, or stop, so as to allow the other to proceed.
4. If the impediment cannot be resolved by applying the provisions of the previous number, the vehicle which is closest to the place at which the passing of vehicles is possible, shall reverse; on steep roads, the vehicle travelling uphill shall reverse, except if this maneuver is obviously easier for the vehicle travelling downhill.
5. Exceptions to the limitations imposed in numbers 2 and 3, are:
  - a) Ambulances, firefighting and police vehicles, and other supervisory agents, and, in a general sense, those which provide emergency transport for ill or injured persons, provided that they adequately signal their travel;
  - b) Military or militarized convoys, which shall, however, take the measures necessary so as not to hinder traffic, and so as to prevent accidents.
6. Vehicles, or articulated vehicle convoys, whose total width exceeds 2 meters, or whose total length, including its cargo, exceeds 8 meters, shall decrease their speed, or stop, so as to facilitate the passing of other vehicles, whenever the free width of the carriageway, or the transverse profile or condition of the road does not allow for a passing with the necessary safety.
7. A contravention of the provisions of this Article is punishable by way of a fine of 1.000,00 Mt.

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## **SECTION V - Special Maneuvers**

### **Article 42 - General Principle**

A driver may only effect any maneuver at such a place, and in such a manner, that its effecting does not result in danger or hindrance to traffic. Even if it has been commenced, it shall be suspended, so as to prevent the occurrence of a greater danger.

### **Article 43 - Overtaking**

1. Overtaking is deemed to take place when two vehicles are travelling in the same lane, and the one travelling at the back moves in front of the other.
2. The overtaking of vehicles or animals shall take place on the right hand side.
3. The following may, however, be done on the left:
  - a) The overtaking of vehicles which run on rails, provided that these vehicles are not utilizing this side of the carriageway, and are not stopped to take on or drop off passengers;
  - b) The overtaking of vehicles or animals if the driver has signaled his intention to change direction to the right, provided that, in terms of the following Article, the far left of the carriageway has been left free.
4. The driver of a vehicle, or of animals, shall not commence overtaking without ensuring that the driver in front of him, on the same road, has not signaled his intention to overtake a third vehicle, or to negotiate an obstacle, and shall also verify that he may overtake without danger of colliding with a vehicle or animal which is travelling in the same, or an opposite direction.
5. No driver shall drive on the right of vehicles or animals which he intends to overtake, without advising the respective drivers of his intention, nor shall he return to the left hand side without having assured that no danger shall be caused to the vehicles or animals so overtaken, and by signaling his return to left hand side.
6. All drivers of vehicles or animals are obliged, whenever there is no impeding obstacle, to immediately facilitate overtaking by moving as far left as possible, and not increasing their speed while being overtaken.
7. Vehicles which are wider than 2 meters shall, in addition, decrease their speed or stop whenever the free width of the carriageway, its profile or the condition of the road does not permit overtaking with the necessary safety.
8. Except during the time necessary to perform overtaking, heavy vehicles, when travelling outside of towns, shall keep a distance of not less than 50 meters between them.

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9. A contravention of the provisions of this Article is punishable by way of a fine of 1.000,00 Mt.

#### **Article 44 - Prohibited overtaking**

1. Overtaking is prohibited:
  - a) On road slopes;
  - b) On bends of reduced visibility;
  - c) Immediately before, and at level crossings;
  - d) Immediately before and at intersections and junctions;
  - e) Immediately before and at signposted pedestrian crossings;
  - f) When approaching a duly signposted stopping area, where a large number of people are conglomerrated;
  - g) In all places where visibility is insufficient;
  - h) When there is danger of a collision;
  - i) When the width of the road is insufficient.
2. It is forbidden to overtake a vehicle which is in the process of overtaking a third vehicle.
3. The provisions of lines a) and d) of no. 1 and no. 2 are not applicable whenever two or more lines of traffic may travel in the same direction on the carriageway, provided that overtaking does not take place on that part of the carriageway reserved for travel in the opposite direction.
4. Equally, the provisions of line d) of no. 1 are not applicable whenever:
  - a) Traffic movement takes place in a circular manner;
  - b) The driver is travelling on a road on which he has a right of way at intersections and junctions, and this is duly signposted;
  - c) Overtaking takes place on the left hand side in terms of line b) of no. 3 of Article 43.
5. A contravention of the provisions of this Article is punishable by way of a fine of 1.000,00 Mt.

#### **Article 45 - Turning**

1. Turning is a maneuver which consists of a driver taking another road, which intersects with that on which he has been travelling.
2. Drivers of vehicles or animals who intend to turn to the right, shall approach the centre line of the road with due prior signaling, and effect the maneuver so as to keep the central part of the intersection or junction on their left.
3. On one-way roads, drivers who intend to turn shall approach the right or left hand boundary of the carriageway, with due prior signaling, and when possible,

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depending on the direction which they would like to take, and shall effect the maneuver using the shortest possible trajectory.

4. In no case, however, shall this be commenced without it previously having been ensured that such maneuver shall not result in danger or hindrance to the remaining traffic.
5. A contravention of the provisions of this Article shall be punishable by a fine of 1.000,00 Mt.

#### **Article 46 - Turning to the left**

1. A driver who intends to turn to the left, shall approach the left hand edge of the carriageway with the necessary prior signaling, and shall perform the maneuver using the shortest possible trajectory.
2. A contravention of the provisions of this Article shall be punishable by a fine of 1,000,00 Mt.

#### **Article 47 - Change of direction of travel**

1. A change of direction of travel shall be done at a place, and in a manner, which does not prejudice traffic.
2. It is forbidden to change direction of travel on bends, at intersections or at junctions with reduced visibility, on bridges, at level crossings and in tunnels, and, in a general sense, wherever visibility of the width of the road is insufficient for this purpose, or in heavy traffic.
3. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

#### **Article 48 - Reversing**

1. Reversing is a maneuver whereby a vehicle is made to travel in an opposite direction, without altering the frontal position of the vehicle, in relation to the initial direction.
2. Reversing is only permissible as an auxiliary or remedying maneuver, and shall be done as far to the left as possible, in a place in which visibility is good, and where traffic will not be prejudiced.
3. This maneuver shall be done slowly, and for as short a distance as possible, after having made the required signals, and having taken due precautions.
4. Without prejudice to the provisions regarding the passing of vehicles, reversing is prohibited:
  - a) on slopes;
  - b) on bends, at intersections or at junctions of reduced visibility;

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- c) on bridges, at level crossings and in tunnels;
  - d) on freeways;
  - e) wherever visibility is insufficient, or where the road, because of its width or other characteristics, is not suitable for the effecting of this maneuver;
  - f) wherever traffic is very heavy.
5. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 49 - Stopping and parking**

1. Stopping is deemed to mean the immobilization of a vehicle, for the time strictly necessary, for the entry or exit of passengers or for brief loading or offloading operations, provided that the driver is ready to recommence travel and does this without impeding or hindering the movement of other vehicles.
2. Parking is deemed to mean any immobilization of a vehicle which does not constitute stopping, and which is not motivated by the circumstances of its travel.
3. Outside of towns, stopping and parking shall be done away from the carriageway, or, if this is not possible, as close as possible to the respective left hand edge, parallel to this, and in the direction of travel.
4. Inside towns, stopping and parking shall be done in places specially designated for this purpose, and in the manner indicated, or on the carriageway, as close as possible to the respective left hand edge, parallel to this, and in the direction of travel.
5. When parking the vehicle, the driver shall leave the spaces necessary for the exit of other vehicles, for the occupation of vacant spaces, and for easy access to buildings, and shall also take the necessary precautions to ensure that the vehicle does not start moving.
6. A contravention of the provisions of this Article is punishable by a fine of 1,500.00 Mt.

### **Article 50 - Places at which stopping or parking is prohibited**

1. It is forbidden to stop or park:
  - a) On bridges, in tunnels, at level crossings, at underpasses and overpasses, and in all places of insufficient visibility;
  - b) Less than 5m from either side of an intersection or junction, without prejudice to the provisions of line a) of no. 2;
  - c) Less than 3m in front, or less than 15m on either side, of signs indicating the stopping of vehicles employed for the collective transport of passengers, depending on whether these run on rails, or not;

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- d) Less than 5m from areas marked for the crossing of pedestrians and velocipedes;
  - e) Less than 20m before traffic lights placed at the entrance to intersections and junctions, and next to signs or traffic lights, if the height of the vehicles, including their respective cargo, conceals these signs;
  - f) In velocipede lanes, on directional islands, on the central plazas of traffic circles with circular vehicle movement, on sidewalks and at other places designated for the travel of pedestrians;
  - g) On the carriageway, whenever this is marked with a continuous longitudinal line, and the distance between this and the vehicle is less than 3m;
  - h) 10m from level crossings, (in the case of) those vehicles which transport explosive substances.
2. Outside of towns, it is also forbidden to stop or park:
- a) Less than 50m from intersections, junctions, bends or slopes of reduced visibility;
  - b) On carriageways, if stopping or parking away from these is possible.
3. A contravention of the provisions of this Article is punishable by a fine of 1,000.00 Mt.

### **Article 51 - Prohibited parking**

1. Parking is prohibited:
- a) On roads on which this impedes the formation of one or more lines of traffic, depending on whether travel takes place in only one, or two directions;
  - b) On carriageways, in the second lane, and in all places in which this impedes access to vehicles appropriately parked, their exit, or the occupation of vacant spaces;
  - c) In places at which people or vehicles have access to properties, parks or parking spaces;
  - d) Less than 10 m from level crossings;
  - e) Less than 5 m from either side of filling stations;
  - f) In places reserved for the parking of certain vehicles, when duly signposted;
  - g) In the case of machines, trailers or semi-trailers, when these are not attached to a tractor unit, except in parking lots specifically designated for this purpose;
  - h) In areas for parking for a limited time, when the respective regulations are not complied with;
  - i) On sidewalks.
2. Outside of towns, it is also forbidden to park:
- a) At night, on carriageways;
  - b) On carriageways signposted as priority routes.
3. The prohibition against parking does not apply to the immobilization of a vehicle for the time strictly necessary for the entrance or exit of passengers, or for brief loading

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and unloading operations, provided that the driver is present and ready to resume travel, and that he does so whenever he is hindering the passage of other drivers.

4. A contravention of the provisions of no. 1 is punishable by a fine of 750.00 Mt.
5. A contravention of the provisions of no. 2 is punishable by a fine of 500.00 Mt.

#### **Article 52 - Calculation of distances**

The distances referred to in lines b) of no. 1 and a) of no. 2 of Article 50, and d) and e) of no. 1 of Article 51, shall be calculated:

- a) From the commencement of the bend, slope or level crossing;
- b) From the extension of the edge closest to the transverse carriageway, in the remaining cases.

#### **Article 53 - Stopping of collective transport vehicles**

1. On carriageways, the driver of a vehicle utilized for the collective transport of passengers may only stop for the entrance and exit of passengers at places specifically designated for this purpose.
2. In the case of the non-existence of the places referred to in the previous number, stopping shall take place as close as possible to the edge of the carriageway.
3. A contravention of the provisions of this Article is punishable by a fine of 1,000.00 Mt.

### **SECTION VI - Transport of passengers and cargo**

#### **Article 54 - General rules**

1. It is forbidden to enter or exit, load, unload or open the doors of vehicles which have not stopped completely.
2. The entrance or exit of passengers, and loading or unloading, shall take place as quickly as possible, unless the vehicle is appropriately parked and the passengers do not exit onto the carriageway.
3. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

#### **Article 55 - Transport of passengers**

1. Passengers must enter and exit on the left or right side of the vehicle, depending on whether the vehicle is stopped or parked on the left or right side of the carriageway.
2. The following are exceptions:



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- a) The entrance and exit of the driver, in right-hand drive vehicles;
  - b) The entrance and exit of passengers sitting in front seats, in left-hand drive vehicles;
  - c) Cases specifically set out in local regulations, for collective passenger transport vehicles.
3. The transport of passengers of a number exceeding the seating of the vehicle, or in a manner which compromises their safety, or the safety of driving, is prohibited.
  4. The transport of unseated passengers is equally prohibited, except in exceptional situations, to be defined in regulations.
  5. The driver and the passengers shall not open the door of the vehicle, leave it open, or get out of the vehicle without having certified that this does not constitute a danger for themselves and for other users of the vehicle.
  6. A contravention of the provisions of no. 1 of this Article is punishable by a fine of 500.00 Mt.

#### **Article 56 - Transport of cargo**

1. Loading and unloading shall be done at the back of the vehicle, or on the side of the edge of the carriageway against which the vehicle is stopped or parked.
2. The driving of vehicles or animals loaded in a way which may result in danger or hindrance to other road-users, or damage road surfaces, installations, art works and buildings on the side of the road, is prohibited.
3. When placing cargo, it shall be verified that:
  - a) The vehicle's equilibrium is duly assured, whether stopped, or en route;
  - b) The cargo cannot fall on the road, or oscillate in a manner which makes its transport dangerous or difficult, or result in the projection of debris onto the public roadway;
  - c) It does not reduce the driver's visibility;
  - d) It does not drag on the ground;
  - e) Its capacity for transporting animals is not exceeded;
  - f) A height of 4,3m from the ground is not exceeded;
  - g) In the case of vehicles intended for the transport of passengers, or mixed cargo, that these do not extend beyond the contours of the vehicle, and that the correct signaling, illumination and registration devices are maintained.
  - h) In the case of vehicles intended for the transport of goods, such goods fit within the limits of the cabin, in length and width, except in exceptional situations set out in regulations;
  - i) In the case of bulk goods, that these do not exceed the height of the top of the dropsides or similar devices.

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4. At stopping places, during loading and unloading operations, and when parked, a vehicle shall be positioned in the direction of traffic, parallel to the edge of the carriageway, and against the curb, duly signposted exceptions being permissible.
5. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

## **SECTION VII - Limits on vehicle dimensions and weight**

### **Article 57 - Prohibited travel**

Except in the case of special authorization, vehicles whose gross weights or dimensions exceed the limits set out in regulations may not travel on public roadways.

### **Article 58 - Special authorisation**

1. On the conditions set out in regulations, the National Vehicle Institute (INAV) may permit the travel of vehicles of a weight or dimensions which exceed those set out in law, or which transport indivisible objects which exceed the limits of their respective cabins.
2. The authorizations referred to in the previous number require the issuing of a favorable opinion by the National Roads Administration (ANE) and the municipal authorities, in accordance with the cases in question, regarding the nature of the surface, the resistance of artworks on the authorized routes, or the technical characteristics of public roads, making it a condition that these vehicles only be used on public roads which have the necessary technical characteristics therefor.
3. The regulations referred to in no.1 of this Article shall refer to those situations in which the travel of such vehicles requires special authorization.
4. An indivisible object shall be deemed to be that which may not be divided without the loss of its economic value, or its function.
5. The owners of these vehicles may be required to provide a guarantee, or insurance, aimed at guaranteeing the payment of civil liabilities flowing from damage imputable to them, as well as other guarantees necessary or convenient for traffic safety.
6. The authorization may define the terms on which the travel of the said vehicles is permissible, and, in particular, limit such travel to roads with technical characteristics which allow for such travel.
7. The non-presentation of an authorization, when requested by traffic officers, or the non-observance of the terms of the same, shall constitute an offence, punishable by a fine of 10,000.00 Mt.

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## **SECTION VIII - Lighting**

### **Article 59 - General rules**

1. Those illumination and light signaling devices, and reflectors, with which a vehicle shall be equipped, as well as their respective characteristics, shall be defined in regulations.
2. The use of a red light or reflector at the front, or a white light or reflector at the bank, is prohibited, except for:
  - a) reverse and number plate lights;
  - b) special warning lights, set out in Article 27;
  - c) illumination and light signaling devices used on vehicles which circulate in accordance with the provisions of Article 58.
3. The following shall be punishable by way of a fine of 2,000.00 Mt:
  - a) The circulation of a vehicle which does not have one or more of the devices set out in the regulations referred to in no. 1;
  - b) the circulation of a vehicle utilizing devices not envisaged in the same regulations, or which, if they are so envisaged, do not comply with the characteristics or forms of installation established therein;
  - c) A contravention of the provisions of no. 2.
4. The following shall be punishable by way of a fine of 1.000,00 Mt:
  - a) The circulation of a vehicle which does not have one or more of the reflectors envisaged in the regulations referred to in no. 1;
  - b) The circulation of a vehicle utilizing reflectors not envisaged in the same regulations, or which, if they are so envisaged, do not comply with the characteristics or forms of installation established therein;
  - c) Without prejudice to the provisions of no. 2 of Article 62, circulation of a vehicle in which any of the devices envisaged in no. 1, is not working.

### **Article 60 - Kinds of lights**

1. The kinds of lights to be used by drivers, are the following:
  - a) High beam headlights (bright lights), intended to illuminate the road in front of the vehicle to a distance of no less than 100m;
  - b) Low beam headlights (normal lights), intended to illuminate the road in front of the vehicle to a distance of up to 30m;
  - c) Parking lights, intended to signal the presence and width of the vehicle, when seen from the front or the back, and those in front shall be called "dims";
  - d) Indicators, intended to indicate to other users the intention to turn;
  - e) Emergency lights, intended to signal that the vehicle is a special danger to other users, and constituted by the simultaneous functioning of all indicators;
  - f) Brake lights, intended to indicate to other users the action of braking;

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- g) Reverse lights, intended to illuminate the road at the back of the vehicle, and to advise other users that the vehicle is reversing, or will reverse;
  - h) Number plate lights, intended to illuminate the number plate at the back of the vehicle;
  - i) Floodlights, intended to make the vehicle more visible in the case of intense fog, or in other situations in which visibility is significantly reduced.
2. The characteristics of the kinds of lights referred to in the previous number shall be set out in regulations.
3. A contravention of the provisions of no.1 is punishable by a fine of 1,000.00 Mt.

### **Article 61 - Situations in which lights must be used**

1. At dusk or at dawn, and also during the day, whenever meteorological or environmental conditions result in insufficient visibility, particularly in the case of fog, intense rain, snowfall, and smoke or dust clouds, drivers shall use the following lights:
  - a) Parking lights, while waiting for the opening of a level crossing, and also when stopped or parked at places in which the level of lighting does not permit easy recognition of the vehicle at a distance of 100m;
  - b) Low beam headlights, in places in which lighting grants the driver visibility of no less than 100m, when passing other vehicles, persons or animals, when the vehicle travels at least 100m from the vehicle in front of it, when approaching a closed level crossing or during the stopping of a vehicle or the termination of its travel, and shall not, directly or indirectly, inconvenience the driver through his rear view mirrors and / or other vehicle reflectors;
  - c) High beam headlights, in the remaining cases;
  - d) Floodlights, at the back, whenever meteorological or environmental conditions require it, on vehicles which are equipped with these.
2. The use of floodlights is prohibited whenever meteorological or environmental conditions do not justify it.
3. Without prejudice to the provisions of no. 1, drivers of vehicles used for the transport of dangerous goods must travel with low beam headlights on.
4. A contravention of the provisions of the previous numbers is punishable by a fine of 500.00 Mt, except as provided for in the following number.
5. The use of bright lights when passing other vehicles, or when the vehicle is travelling less than 100m from the vehicle in front of it, or during stopping or termination of travel, is punishable by a fine of 1.000,00 Mt.

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### **Article 62 - Non-functional devices**

1. The travel of a vehicle, of which the devices referred to in no. 1 of Article 60, are not working, is prohibited.
2. Without prejudice to the provisions of the previous number, the travel of vehicles with non-functional lights is only permissible when the it has, at least:
  - a) Two low beam headlights, or one low beam headlight on the right hand side and two dim lights in front, one parking light on the right hand side and one brake light, where obligatory, at the back; or
  - b) Emergency lights, in which case the vehicle may only travel for the time strictly necessary for it to reach a place where it can stop or be parked.
3. If lights are not working on a freeway, or a road reserved for automobiles and motorcycles, the vehicle shall immediately be immobilized, off the carriageway.
4. A contravention of the provisions of the previous number is punishable by a fine of 750.00 Mt.

### **Article 63 - Signalling of danger**

1. When a vehicle travels in terms of line b) of no. 1 of the previous article, or represents a special danger to other road-users, emergency lights shall be used.
2. Drivers shall also use the lights referred to in the previous number in the case of a sudden reduction in speed, provoked by an unforeseen object, or by special meteorological or environmental conditions.
3. Drivers shall also use the lights referred to in number 1, provided that these are in a functional condition:
  - a) In the case of forced immobilization of the vehicle because of accident or breakdown, whenever the same represents a danger to other road-users;
  - b) When the vehicle is being towed.
4. In the cases set out in the previous number, parking lights shall be used if the use of emergency lights is not possible.
5. A contravention of the provisions of numbers 2, 3 and 4 is punishable by a fine of 750.00 Mt.

## **SECTION IX - Travel of vehicles which perform special transport, and of emergency service vehicles**

### **Article 64 - Travel of vehicles which perform special transport**

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1. The driving, stopping and parking on public roadways of vehicles which transport goods may be made conditional, by regulation, when this is justified by their nature, dimensions or other characteristics.
2. Vehicles which transport powdery and inert materials, shall travel in a manner so as to avoid the dispersion of these materials into the air or soil, by being covered by tarpaulins or canvasses of suitable dimensions.
3. A contravention of the provisions of no. 2 is punishable by a fine of 2,000.00 Mt.

### **Article 65 - Travel of emergency service vehicles**

1. The drivers of vehicles which are travelling on an urgent first aid or police mission, adequately signaling their travel, may, when their mission demands it, fail to observe traffic rules and signs, but must respect the orders of traffic officers.
2. The said drivers may not, however, in any circumstances, place other road-users in danger, being in particular obligated to suspend their travel:
  - a) At a red light traffic regulating signal, although they may proceed, after having due precautions, without waiting for the signal to change;
  - b) At an obligatory stop sign, at an intersection or junction.
3. The use of signals which identify the travel of a priority vehicle, when it is not in transit on an urgent mission, is prohibited.
4. A contravention of the provisions of the previous numbers is punishable by a fine of 1.000,00 Mt.

### **Article 66 - Giving way to emergency service vehicles**

1. Without prejudice to the provisions of line b) of no. 3 of Article 38, any driver must give way to drivers of the vehicles referred to in the previous Article.
2. Whenever the roads on which such vehicles circulate, from which they intend to exit, or into which they will enter, are congested, the remaining drivers must move as far as possible to the left, if necessary, occupying the shoulder.
3. Freeways, on which drivers must leave the shoulder unoccupied, and public roads having circulatory corridors, are exempted from the provisions of the previous number.
4. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

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## **SECTION X - Travel on certain roads or road stretches**

### **Article 67 - Travel on level crossings**

1. A driver may only commence crossing a level crossing, even if signaling permits this, after having verified that the intensity of traffic will not require the vehicle to stop on the level crossing.
2. Without prejudice to due compliance with existing signaling, and to the instructions of railway agents, a driver must not enter a level crossing while protective devices are placed across a public roadway, or are in motion.
3. If the level crossing does not have a protection or signaling mechanism, then the driver may only commence his crossing after having ensured that there is no railway vehicle approaching it.
4. During the crossing of a level crossing, a different speed may not be engaged.
5. A contravention of the provisions of the previous numbers, is punishable by a fine of 750.00 Mt.

### **Article 68 - Forced immobilization of a vehicle or animal**

1. In the case of the forced immobilization of a vehicle or animal, or of the falling off of its respective cargo, on a level crossing, the respective driver shall attend to its immediate removal, or, if this is not possible, take the measures necessary for the drivers of railway vehicles approaching it to be able to perceive the presence of the obstacle.
2. A contravention of the provisions in the previous number, is punishable by a fine of 750.00 Mt.

### **Article 69 - Travel at intersections and junctions**

1. A driver may only commence crossing an intersection or junction, even when he has priority or when signaling permits it, after having verified that the heaviness of the traffic flow will not oblige him to stop his vehicle there.
2. A driver who has stopped on an intersection or junction which is regulated by light signaling may exit it, even if he is not authorized to continue, provided that he does not hinder the movement of other road users which are travelling in the direction for which movement is authorized.
3. At intersections or junctions with a higher traffic density, access routes may be created which permit the movement of vehicles to the left, and a driver who intends to enter another road shall regulate his speed, so as to ensure that the adjacent lane does not contain danger or hindrance to vehicles travelling thereon.

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4. A contravention of the provisions of numbers 1 and 3 is punishable by a fine of 1.000,00 Mt.

### **Article 70 - Parking lots and areas**

1. At places on the public roadway specifically intended for parking, and when duly signposted, drivers may not drive on, or cross, lines of demarcation existing on these roadways for various parking purposes.
2. The exclusive designation of parking lots and areas, for vehicles of certain classes or types, and limits to the time of parking, as well as the setting of a fee to be charged by agents or appropriate mechanical devices, shall be set out in regulations.
3. A contravention of the provisions of no. 1 is punishable by a fine of 500.00 Mt.

### **Article 71 - Prohibited parking**

1. The following vehicles may not park in parking lots and parking areas:
  - a) Vehicles intended for the sale of any articles, or for advertising of any nature;
  - b) Vehicles used for public transport, when these are not hired, except as set out in local regulations;
  - c) Vehicles of classes or of a type different from those for which the parking lot or area was exclusively intended, in terms of the previous number;
  - d) For a time exceeding that set down, or without payment of the fee set out in terms of the previous Article.
2. A contravention of the provisions of the previous number is punishable by a fine of 750.00 Mt.

### **Article 72 - Freeways**

1. Pedestrians, animals, animal-drawn vehicles, velocipedes, mopeds, motorcycles with cylinders exceeding 50cm<sup>3</sup>, agricultural tractors, as well as vehicles or convoys of vehicles which cannot reach speeds of 40 km/ hour when travelling on the level, may not travel on freeways and their respective accesses, when duly signposted.
2. It is forbidden to do the following on freeways and their respective accesses, when duly signposted:
  - a) Drive without legally required lights;
  - b) Stop or park, even if off of the carriageways, except in places specifically intended for this purpose;
  - c) Change direction;Reverse;
  - d) Drive across traffic separators, or openings therein;
  - e) Give driving lessons.



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3. A contravention of the provisions of no. 1 and of lines a) and b) of number 2, shall be penalized by a fine of 750,00 Mt, except in the case of a pedestrian, in which case the fine shall be 100,00 Mt.
4. A contravention of the provisions of lines c), d), e) and f) of no. 2 is punishable by a fine of 1.000,00 Mt.

### **Article 73 - Entering and exiting freeways**

1. The entering and exiting of freeways may only be done on the accesses intended for this purpose.
2. If an acceleration lane exists, then the driver who intends to enter the freeway must use this, regulating his speed so as to ensure that the adjacent lane does not contain any danger or hindrance to the vehicles travelling in it.
3. A driver who intends to exit a freeway, shall occupy the lane on the left hand side as early as is necessary, and, if there is a deceleration lane, enter it as soon as possible.
4. A contravention of the provisions of the previous numbers is punishable by a fine of 1.000,00 Mt.

### **Article 74 - Transport of heavy goods vehicles, or of vehicle convoys**

1. On freeways, or stretches of freeways with three or more lanes of traffic travelling in the same direction, the drivers of heavy goods vehicles, or of vehicle convoys, the length of which exceeds 7 meters, may only use the two traffic lanes on the furthest left hand side.
2. A contravention of the provisions of the previous number is punishable by a fine of 1.000,00 Mt.

### **Article 75 - Reserved roads**

1. The carriageways of public roadways may, by means of signposting, be reserved for the travel of vehicles of certain types, or for vehicles intended for specific types of transport, and their use prohibited by drivers of other types of vehicles.
2. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

### **Article 76 - Circulation corridors**

1. On public roadways, circulation corridors shall be created for the travel of vehicles of certain types, or of vehicles intended for specific types of transport, and the use thereof by drivers of other types of vehicles may be prohibited.

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2. The use of the roads referred to in the previous number shall be permitted for accessing garages, properties and parking areas, or, when signposting permits this, for turning at the closest intersection or junction.
3. A contravention of the provisions of number 1 is punishable by a fine of 750.00 Mt.

### **Article 77 - Special lanes**

1. When there are lanes specifically intended for animals or vehicles of a certain type, the travel of these animals or vehicles must take place on these lanes.
2. The use of the lanes referred to in the previous number by any other vehicles, is prohibited, except for the purpose of accessing garages, properties or parking areas, or, when signposting permits this, to turn at the closest intersection or junction.
3. The travel of vehicles with more than two wheels not placed in a single line, or pulling a trailer, in lanes intended for velocipedes, is prohibited.
4. Pedestrians may only use the lanes referred to in the previous number when there are no places specifically intended for them.
5. A contravention of the provisions of numbers 1, 2 and 3 is punishable by a fine of 500.00 Mt.
6. A contravention of the provisions of number 4 is punishable by a fine of 300.00 Mt.

## **SECTION XI - Pollution**

### **Article 78 - Soil and air pollution**

1. The driving of motor vehicles which emit fumes or gases in an amount exceeding that set out in regulations, or which leak oil or any other substances, is prohibited.
2. A contravention of the provisions of the previous number, is punishable by a fine of 750.00 Mt.
3. Drivers and passengers shall not throw objects out of the vehicle.
4. A contravention of the provisions of the previous number is punishable by a fine of 500.00 Mt.

### **Article 79 - Sound pollution**

1. The driving of vehicles, and loading and unloading operations, shall be done in such a way as to avoid creating a disturbing noise.

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2. The transport of vehicles which emit noise of a level exceeding the maximum limits set out in regulations, is prohibited.
3. When using radiophonic or sound reproduction devices installed in the vehicle, the maximum sound limits set out in regulations shall not be exceeded.
4. The conditions for the use of anti-theft sound alarm devices in vehicles, shall be set out in regulations.
5. A contravention of the provisions of this Article is punishable by way of a fine, as follows:
  - a) Excess of 0 to 5 decibels, a fine of 750,00 Mt;
  - b) Excess of 6 to 10 decibels, a fine of 1,500.00 Mt;
  - c) Excess of 11 to 20 decibels, a fine of 3,000.00 Mt;
  - d) Excess of more than 20 decibels, seizure of the vehicle, and imprisonment of the driver for up to 3 months.
6. The equipment and the conditions for sound pollution control shall be set out in a joint diploma of the Ministries which oversee the sectors of transport, the interior, and trade.

## **CHAPTER II - Special provisions for the monitoring of driving under the influence of alcohol or psychotropic substances**

### **SECTION I - Procedures for the monitoring of driving under the influence of alcohol or psychotropic substances**

#### **Article 80 - General Principles**

1. The following persons may be submitted to determined tests for the detection of states of being under the influence of alcohol, or substances legally deemed to be narcotic or psychotropic:
  - a) Drivers;
  - b) Pedestrians, whenever they are involved in traffic accidents.
2. Persons referred to in lines a) and b) of no. 1, who refuse to submit themselves to determined tests for the detection of states of being under the influence of alcohol or substances legally deemed to be narcotic or psychotropic, shall be punished for disobedience.
3. A doctor or paramedic, who, without just cause, refuses to take the steps set out in law for the diagnosis of the state of being under the influence of alcohol or substances legally deemed to be narcotic or psychotropic, shall be punished for disobedience.

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### **Article 81 - Driving under the influence of alcohol, narcotics or psychotropic substances**

1. Alcoholic beverages and psychotropic substances shall not be transported in the area reserved for passengers, in vehicles.
2. It is forbidden to drive under the influence of alcohol or psychotropic substances.
3. A driver shall be deemed to be under the influence of alcohol if his blood alcohol level is equal or superior to 0,3mg/l, when tested by way of a breathalyzer, or 0,6mg/l, if a blood test is conducted.
4. A public transport service driver, or a driver of dangerous cargo, when driving, shall have a blood alcohol level of 0,0 mg/l, whether tested using a breathalyzer, or by way of a blood test.
5. A driver shall be deemed to be under the influence of psychotropic substances if he is deemed to be so in a medical or expert report, following an examination conducted on the terms set out in this Code and complementary legislation.
6. Any person contravening the provisions of no. 1, shall be punished by a fine of 500,00 Mt.
7. Any person contravening the provisions of no. 2, shall be punished by a fine of:

Blood alcohol rate	Amount of fine
From higher than 0,0mg/l, to 0,3mg/l	1,500.00 Mt
From 0,3mg/l to 0,40mg/l	2,500.00 Mt
From 0,41mg/l to 0,70mg/l	3,500.00 Mt
More than 0,70mg/l	5,000.00 Mt

8. Drivers found to be driving under the influence of alcohol with a blood alcohol level of more than 1,2 mg/l, when not professional, shall be punished by a prison sentence of up to 1 month, without prejudice to the payment of the corresponding fine and accessory sanction.
9. Drivers infringing the provisions of no. 4 of this Article shall be punished by a prison sentence of up to 6 months, and a corresponding fine and accessory sanction.
10. A fine of 2,000.00 Mt, for any driver, found driving under the effect of substances legally deemed to be narcotic or psychotropic.

### **Article 82 - Monitoring of driving under the influence of alcohol**

1. Breathalyzer tests shall be conducted by the entities referred to in no. 1 of Article 10, by using a device approved for this purpose.

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2. If the result of the test set out in the previous number is positive, the traffic agent shall notify the examined person, in writing, or, if this is not possible, verbally, of the result; the legal sanctions flowing therefrom; the fact that he may, immediately, request the performance of counter tests, and that he will be obliged to pay all costs arising from these counter tests, if the result is positive.
3. The counter test referred to in the previous number shall be effected in one of the following ways, as chosen by the examined person:
  - a) A new test, to be made using the approved device;
  - b) A blood test.
4. If the new test referred to in line a) of the previous number is chosen, the examined person shall immediately be subjected to such test, and if necessary, driven to the place where the same test may be effected.
5. If the examined person prefers to undergo a blood test, he shall immediately be driven to an official health establishment, so that the quantity of blood required for this purpose can be drawn.
6. The result of the counter test shall prevail over the result of the initial test.
7. When it is suspected that means have been used which may alter the result of the test, the traffic agent may require the suspect to be subjected to a medical examination.
8. If it is not possible to perform a breathalyzer test, the examined person shall be subjected to a blood test, or, if he refuses, to a medical examination at an official health establishment, so as to diagnose his state of being under the influence of alcohol.

### **Article 83 - Temporary prohibition on driving**

1. Any person presenting a positive result in a test referred to in no. 1 of the previous Article, or who refuses or who may not be submitted to such test, shall be temporarily prohibited from driving for a period of twelve hours, unless he proves, prior to the expiry of this period, that he is not under the influence of alcohol, by way of a test requested by him.
2. Any person driving with disregard for the temporary prohibition referred to in the previous number shall be punished for the crime of qualified disobedience.
3. The traffic agent shall notify the driver, of the person who proposes to commence driving, of the circumstances set out in no. 1 which prohibit him from driving during the period set out in the same number, and that if he so drives, he may be charged with qualified disobedience.
4. The costs arising out of the test referred to in the final part of no. 1 shall be paid by the examined person, except if the counter test, requested in terms of no. 2 of the previous article, has a negative result.

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### **Article 84 - Immobilization and removal of vehicle**

1. So as to ensure compliance with the provisions of no. 1 of the previous article, the vehicle shall be immobilized or removed, to an appropriate parking lot or place, provision being made, whenever this is required, for the continuance of the travel of the occupants of the vehicle.
2. All costs flowing from the procedures set out in the previous number shall be paid by the driver.
3. The vehicle shall not be immobilized or removed if any other driver, with the consent of the driver who has been prohibited from driving, or the owner of the vehicle, proposes to drive it and tests negative for alcohol.
4. In the case set out in the previous number, the substitute driver shall be notified of his responsibility to comply with the temporary prohibition referred to in the previous number, failing which he may be charged with qualified disobedience.

### **Article 85 - Tests in the case of accident**

1. Drivers and pedestrians involved in traffic accidents shall, whenever their state of health permits it, be subjected to breathalyzer tests, in terms of Article 80.
2. When it is not possible to perform the test referred to in the previous number, the doctor at an official health establishment to which those involved in the accident are taken, shall collect blood samples, so as to be able to diagnose the state of being under the influence of alcohol thereafter.
3. If the blood alcohol test cannot be taken, a medical examination must be conducted, to diagnose the state of being under the influence of alcohol.
4. Deceased drivers and pedestrians shall also be subjected to the test referred to in no. 2.

### **Article 86 - Other provisions**

1. Regulations shall set out:
  - a) The type of material to be used for enforcement, and in laboratory examinations for the determination of states of being under the influence of alcohol or psychotropic substances;
  - b) The methods to be used to determine the level of alcohol or psychotropic substances in the blood;
  - c) Medical tests to determine states of being under the influence of alcohol or psychotropic substances;
  - d) The laboratories at which urine and blood analyses shall be conducted;

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- e) Tables of prices for tests effected, and fees for the transport of examined persons and the immobilization and removal of vehicles.
2. The payment of the costs flowing from the tests set out in law, for the determination of the state of being under the influence of alcohol or psychotropic substances, as well as the immobilization and removal of the vehicle referred to in Article 84, shall be effected by the entity responsible for the coordination of traffic enforcement.
3. When the tests referred to are positive, the costs shall be the responsibility of the examined person, and shall be included in the costs of criminal or contravention proceedings which arise, which costs shall revert to the entity referred to in no. 2.

### **Article 87 - Use of safety accessories**

1. The driver of, and passengers transported in, automobiles, shall be obliged to use seatbelts and other safety accessories, on the terms set out in regulations.
2. Drivers and passengers of motorcycles, with or without sidecar, and of mopeds shall protect their heads by using helmets, of a type officially approved, duly adjusted and well-fitting.
3. Drivers and passengers of vehicles fitted with a rigid cabin, or of vehicles which have both a hard protective structure and safety belts, are exempted from the provisions of the previous number.
4. Children under the age of 12 who are transported in automobiles fitted with safety belts shall be secured by using a retention system designed for and adapted to their measurements and weight.
5. Children transported in terms of the previous number shall be so transported on the back seat, except in the following situations:
  - a) if the child is under 3 years of age, and is transported using a back facing retention system, in which case the air cushion in front of the passenger may not be activated;
  - b) if the child is older than 3 years of age, and the vehicle does not have back seat safety belts, or does not have a back seat.
6. The transport of children under 3 years of age is prohibited in automobiles which do not have safety belts.
7. In vehicles intended for the public transport of passengers, children may be transported without compliance with the provisions of the previous numbers, provided that they do not sit in front seats.
8. A contravention of the provisions of no's 4 and 7 is punishable by a fine of 300.00 Mt for each child unduly transported.

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9. A contravention of the provisions of no. 1 is punishable by a fine of 500.00 Mt.

10. A contravention of the provisions of no. 2 is punishable by a fine of 300.00 Mt.

### **Article 88 - Professional driving of transport vehicles**

1. The performance of paid services is only permissible in the case of holders of professional driver's licenses.
2. For reasons of safety, times of driving and of rest may be defined for professional drivers of transport vehicles, and the presence of more than one person qualified to drive the same vehicles, may be required.
3. A contravention of the provisions of this article is punishable by a fine of 10.000,00 Mt, for which the offender, and the offender's employing entity, shall be jointly and severally liable.

### **Article 89 - Prohibition on the use of certain devices**

1. A driver may not use any type of audio headphone or radiotelephonic or television device while the vehicle is in motion.
2. Devices equipped with a headset, or with a microphone with loudspeaker, the use whereof does not require continuous handling, and television devices in vehicles intended for the transport of passengers, are exceptions to the previous number.
3. The installation and use of any equipment, devices or products intended to detect the presence, or disturb the functioning of instruments intended for the detection or recording of offences, is prohibited.
4. A contravention of the provisions of no. 1 is punishable by a fine of 2,000.00 Mt.
5. A contravention of the provisions of no. 3 is punishable by a fine of 2,750.00 Mt and by the forfeiture of the objects concerned, the inspecting official being obliged to attend to their immediate removal and seizure, or, if this is not possible, to seize of the vehicle's identification document, until the effective removal and seizure of such objects.

## **SECTION II - Behavior in the case of breakdown or accident**

### **Article 90 - Forced immobilization because of breakdown or accident**

1. In the case of the forced immobilization of a vehicle, because of breakdown or accident, the driver shall immediately park the vehicle regularly, or, if this is not feasible, remove the vehicle from the carriageway, or place it as close as possible to the right hand side of this, and attend to its rapid removal from the public roadway.



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2. While the vehicle is not duly parked or removed, the driver shall take the measures necessary to ensure that other drivers become aware of its presence, using, for this purpose, the signaling devices referred to in this Code and complementary legislation.
3. The repair of vehicles on the public roadway is prohibited, unless this is required in order to remove the vehicle, or for the vehicle to continue its travel, if a breakdown may be easily repaired.
4. In the circumstances referred to in the previous numbers, persons who are not involved in signaling, removal or vehicle repair operations may not remain on the carriageway.
5. A contravention of the provisions of the previous numbers is punishable by a fine of 1.000,00 Mt, if another fine is not specifically applicable.

### **Article 91 - Signs for indicating danger**

1. All motor vehicles in circulation, except for those having only two or three wheels, motor cultivators and tractor cars, shall be equipped with two reflective signs for indicating danger, and one reflective jacket.
2. The use of a sign, for indicating danger, shall be obligatory:
  - a) During the day, whenever the vehicle is immobilized, totally or partially, on the carriageway, or whenever goods which have fallen onto the road surface are not visible for a distance of at least 100m;
  - b) At dusk, or at dawn, in any circumstances or vehicle immobilization, or of goods having fallen onto the carriageway or onto the shoulder, except in places where lighting conditions allow this to be easily seen from a distance of 100m, without prejudice to the provisions of this Code, as regards vehicle lighting;
  - c) In towns, in situations in which the placing of warning triangles is not viable, the broken down vehicle must be signposted by way of the simultaneous use of all indicator lights.
3. The sign must be placed vertically, in relation to the road surface and the carriageway's centre line, at a distance of not less than 30 m from the front and from the rear of the vehicle, vehicle convoy or goods to be signaled, in such a manner as to be clearly visible at a distance of at least 100 meters.
4. Heavy vehicles and trailers with a gross weight exceeding 10,000 kg, or which are longer than 6m, shall be equipped with yellow reflective marks, so as to enable their easy identification on the public roadway.
5. In the circumstances referred to in number 2, the person who attends to the placing of the sign for the indicating of danger, or to the repair of the vehicle or the removal of goods, shall use a reflective jacket.

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6. Manually drawn vehicles and velocipedes shall be equipped with reflective marks whenever they travel on public roads.
7. The characteristics of signs for the indicating of danger, reflective jackets and reflective marks shall be set out in regulations.
8. A contravention of the provisions of this Article is punishable by a fine of 1,000.00 Mt, except in the event of the use of materials which do not comply with the defined characteristics, in which case the fine will be 500,00 Mt, and that referred to in no. 7, the fine for which shall be 300,00 Mt.
9. A contravention of the provisions of numbers 2 and 3 is punishable by a fine of 750.00 Mt.

### **Article 92 - Identification in case of accident**

1. A driver involved in an accident shall provide, to all other parties involved, his identification, as well as that of the owner of the vehicle and of its insurer, as well as the number of the insurance policy, and shall, whenever requested, produce documentation in proof thereof.
2. If the accident results in deaths, or injuries, the driver shall await the arrival of a traffic officer at the place of the accident.
3. A contravention of the provisions of no. 1 is punishable by a fine of 500.00 Mt.
4. A contravention of the provisions of no. 2 is punishable by a fine of 750.00 Mt, if a more serious sanction is not applicable in terms of another legal provision.

## **CHAPTER II - Special provisions for motorcycles, mopeds and velocipedes**

### **SECTION I - Special rules**

#### **Article 93 - Driving rules**

1. The drivers of motorcycles, mopeds or velocipedes may not:
  - a) Drive with their hands off of the steering wheel, except when signaling a maneuver;
  - b) Drive with their feet off of the pedals, or supports;
  - c) Reverse;
  - d) Lift the front or back wheel when starting, or when driving;
  - e) Drive two abreast, except if travelling on a special roadway, and not causing danger or hindrance to traffic.

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2. The drivers of velocipedes shall drive as close as possible to the shoulders or sidewalks, even in cases in which two or more lanes of traffic are able to travel in the same direction.
3. A contravention of the provisions of the previous numbers is punishable by a fine of 300.00 Mt.

#### **Article 94 - Transport of passengers**

1. It is forbidden to transport passengers younger than seven years old on motorcycles, tricycles, quadricycles and mopeds, except in the case of vehicles with a rigid cabin, not intended solely for the transport of goods.
2. A contravention of the provisions of this Article is punishable by a fine of 300.00 Mt.

#### **Article 95 - Transport of goods**

1. Cargo may only be transported on motorcycles, mopeds or velocipedes may only take place if it is towed, or in a cargo box.
2. Drivers and passengers of the vehicles referred to in the previous number may not transport objects which may endanger driving, or constitute a safety hazard.
3. A contravention of the provisions of this Article is punishable by a fine of 250.00 Mt.

### **SECTION II - Lighting and Sanctions**

#### **Article 96 - Use of lights on motorcycles and mopeds**

1. On motorcycles, tricycles, quadricycles and mopeds, the use of light signaling and illuminating devices is obligatory, at all times.
2. Without prejudice to the provisions of no. 1 of Article 61, drivers of motorcycles and mopeds shall travel with their low beam headlights on.
3. Whenever, in terms of Article 61, it is obligatory to use illuminating devices, velocipedes may only travel when using those devices which have been prescribed in regulations, for this purpose.
4. A contravention of the provisions of this Article is punishable by way of a fine of 500,00 Mt.

#### **Article 97 - Non-functional lights**

1. If motorcycle or moped lights are not working, then the provisions of Article 62 are applicable, with the necessary adaptations.

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2. If lights are not working, velocipedes must be pushed.
3. A contravention of the provisions of this Article is punishable by a fine of 250.00 Mt.

#### **Article 98 - Signaling danger**

The provisions of Article 63 are applicable, with the necessary adaptations, to motorcycles and mopeds, when these are fitted with indicator lights.

#### **Article 99 - Sanctions applicable to drivers of velocipedes**

The maximum and minimum limits of the fines set out in this Code shall be reduced by half, when applicable to velocipede drivers, except as set out in this Chapter.

### **CHAPTER IV - Special provisions for drivers of animal drawn vehicles, and of animals**

#### **Article 100 - Special rules**

1. The drivers of vehicles drawn by animals, or of animals, shall drive these so as to maintain control over their movements, and so as to avoid hindrance or danger to traffic.
2. On bridges, tunnels and at level crossings, the drivers of animals, whether or not they are harnessed, shall ensure that they proceed in single file.
3. The entry of cattle onto a public roadway must be duly signaled by the respective driver, and take place by means of paths or service roads intended for this purpose.
4. Whenever, in terms of Article 59, it is obligatory to use light signaling devices, the drivers of vehicles drawn by animals, or of a herd of animals, shall use a lantern with white lighting, visible to traffic moving in both directions.
5. An owner of animals may not allow these to wander on a public roadway in a manner which hinders or causes danger to traffic.
6. A contravention of the provisions of this Article, is punishable by a fine of 300.00 Mt.

#### **Article 101 - Local regulations**

The movement of vehicles drawn by animals, and of animals, shall be the object of municipal ordinances, to the extent not provided for in this Code.

### **TITLE III - Movement of Pedestrians**

#### **Article 102 - Places in which pedestrians may walk**

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1. Pedestrians shall walk on sidewalks, tracks or passageways destined for them, or, in their absence, on road shoulders.
2. Pedestrians may, however, walk on the carriageway, with care, and so as not to prejudice vehicle traffic, in the following cases:
  - a) When crossing the carriageway;
  - b) In the absence of the places referred to in no.1, or if it is impossible to use these;
  - c) When transporting objects which, because of their dimensions or nature, may constitute a danger to the movement of other pedestrians;
  - d) On public roadways, in which vehicle transport is prohibited;
  - e) When proceeding, in an organized manner, under the direction of a monitor, or in procession.
3. In the cases set out in lines b), c) and e) of the previous number, pedestrians may walk in the lanes referred to in article 77, provided that the intensity of traffic permits this, and that it does not prejudice the circulation of vehicles or animals in these lanes.
4. Whenever travelling on a carriageway at dusk or at dawn, and whenever conditions of visibility, or the intensity of traffic makes it advisable, pedestrians shall travel in single file, except when proceeding as a procession, or in organized formation, on the terms set out in Article 105.
5. A contravention of the provisions of the previous number is punishable by a fine of 250.00 Mt.

#### **Article 103 - Direction of travel**

1. Pedestrians shall walk on the right hand side of the carriageway, in relation to their direction of travel, in places intended for them, except in the cases set out in line d) of no. 2 of the previous Article.
2. In the cases set out in lines b), c) and e) of no. 2 of the previous Article, pedestrians shall walk as close as possible to the edge of the carriageway.
3. In the cases set out in lines b), c) of no. 2 of the previous Article, pedestrians shall walk on the right side of the carriageway, unless this would compromise their safety.
4. A contravention of the provisions of the previous numbers is punishable by a fine of 250.00 Mt.

#### **Article 104 - Crossing the carriageway**

1. Pedestrians may not cross the carriageway without having previously verified that this may be done without danger of an accident, taking into account the distance which separates vehicles travelling on it, and their respective speeds.

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2. The crossing of the carriageway must be done as quickly as possible.
3. Pedestrians may only cross the carriageway at crossings specifically signposted for this purpose, or, where there is none closer than 50m away, then perpendicular to the centre line of the road.
4. Pedestrians may not stop on the carriageway, or use the sidewalk in such a manner as to prejudice or disturb traffic.
5. A contravention of the provisions of this Article is punishable by way of a penalty of 250.00 Mt.

#### **Article 105 - Illumination of processions and organized formations**

1. Whenever travelling on a carriageway at dusk or at dawn, and whenever conditions of visibility make it advisable, processions and organized formations shall signal their presence with at least one white light directed forward and one red light directed backwards, both on the right hand side of the procession or formation.
2. A contravention of the provisions of this Article is punishable by a fine of 500.00 Mt.

#### **Article 106 - Precautions to be taken by drivers**

1. Whenever a driver sees a visually deficient person on the carriageway, signaling his travel by way of a cane, he shall grant that person a right of way, and if necessary, stop, so as to allow him / her to pass.
2. When approaching a signposted pedestrian crossing, a driver shall allow pedestrians who have commenced the crossing of the carriageway, to pass, even if signaling allows the driver to proceed.
3. When approaching a pedestrian crossing, where the circulation of vehicles is regulated neither by light signaling, nor by a traffic officer, a driver shall reduce his speed, and stop, so as to allow pedestrians who have commenced the crossing of the carriageway, to pass.
4. When turning, a driver shall reduce his speed and, if necessary, stop, even where no signposted pedestrian crossing exists, so as to allow pedestrians who are crossing the side of the carriageway which he will enter, to pass.
5. A contravention of the provisions of this Article is punishable by a fine of 1.000,00 Mt.

#### **Article 107 - Equal provisions**

The following shall have the same rules as pedestrian travel:

- a) The pushing of wheelbarrows;

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- b) Human-drawn vehicles;
- c) The pushing of two-wheeled velocipedes, without side cars, and of children's carts, or carts for the disabled;
- d) The movement of persons on roller-skates, or other similar methods of movement;
- e) The use of wheelchairs, whether or not motorized.

## **TITLE IV - Vehicles**

### **CHAPTER I - Classification of vehicles**

#### **Article 108 - Automobiles**

An automobile is a vehicle with a propulsion engine, equipped with at least four wheels, with a tare weight exceeding 550 kg, with maximum speed, by way of construction, higher than 25 km/h, and which is intended, by way of its function, for transit on a public roadway, but not on rails.

#### **Article 109 - Classes and types of automobiles**

1. Automobiles are classified as:
  - a) Light: vehicles with a gross weight of up to 3 500 kg, and with seating not exceeding nine places, including that of the driver;
  - b) Heavy: vehicles with a gross weight exceeding 3 500 kg, or with seating of more than nine places, including that of the driver, and tractor units.
2. Light or heavy automobiles include, according to their use, the following types:
  - a) Passenger vehicles: those intended for the transport of persons;
  - b) Goods vehicles: those intended for the transport of cargo;
  - c) Mixed: those intended for the transport, alternatively or simultaneously, of persons and cargo;
  - d) Tractors: vehicles constructed so as to provide traction force, without carrying goods;
  - e) Special: vehicles intended for employment for a specific function, different from the normal transport of passengers or goods.
3. The categories of vehicles for the purposes of design approval, shall be set out in regulations.

#### **Article 110 - Motorcycles, mopeds and quadricycles**

1. A motorcycle is a vehicle fitted with two, three or four wheels, with a propulsion engine with a cylinder larger than 50cm<sup>3</sup>, or which, because of its construction, exceeds a speed of 45 km/h when travelling on a level surface.

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2. A moped is a vehicle fitted with two or three wheels, with a maximum speed, when travelling on a flat surface, and because of its construction, of not more than 45 km/h, and with an engine:
  - a) In the case of two wheel mopeds, which has a cylinder capacity not exceeding 50 cm<sup>3</sup> in the case of an internal combustion engine, or with a maximum power capacity of 4kW, in the case of an electric engine;
  - b) In the case of three wheel mopeds, which has a cylinder capacity not exceeding 50 cm<sup>3</sup>, in the case of a spark-ignition engine, or with a maximum power capacity of 4kW, in the case of other internal combustion engines or electric engines.
3. A tricycle is a vehicle fitted with three wheels, distributed symmetrically, with a propulsion engine having a cylinder capacity exceeding 50 cm<sup>3</sup>, in the case of an internal combustion engine, or which, because of its construction, exceeds a speed of 45 km/h when travelling on a level surface.
4. A quadricycle is a vehicle fitted with four wheels, and whose tare weight does not exceed 550kg.
5. Vehicles fitted with four wheels, the tare weight of which does not exceed 550kg, shall be classified as motorcycles, or mopeds, in accordance with their characteristics, namely, cylinder capacity, and maximum speed on the level and because of construction, on terms prescribed in regulations.

### **Article 111 - Agricultural vehicles**

1. An agricultural or forestry tractor is a vehicle with a propulsion engine, with two or more axles, constructed so as provide traction force, sometimes equipped with tools or other machinery, and intended predominantly for agricultural work.
2. An agricultural or forestry machine is a vehicle with a propulsion engine, with two or more axles, intended for the execution of agricultural or forestry work, and is considered to be heavy, or light, depending on whether or not its tare or gross weight exceeds 3500 kg.
3. A motor cultivator is a vehicle with a propulsion engine, with only one axle, intended for the performance of light agricultural work, which may be driven by a driver on foot, or on a semi-trailer or rear train, or be pulled behind such a vehicle.
4. A tractor car is a vehicle with a propulsion engine, with two or more axles, having a cargo cabin intended for the transport of agricultural or forestry products, the gross weight of which does not exceed 3 500 kg.

### **Article 112 - Other motor vehicles**

1. A rail car is that which, irrespective of its propulsion system, travels on rails.



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2. An industrial machine is a vehicle with a propulsion engine, with two or more axles, intended for the conducting of road works or the performance of industrial work, and which only travels on public roadways, being heavy, or light, depending on whether or not its tare weight exceeds 3 500 kg.

### **Article 113 - Trailers**

1. A trailer is a vehicle which is intended to move by being pulled by a motorized vehicle.
2. A semi-trailer is a vehicle which is intended to move by being pulled by a motorized vehicle, by resting its front part on, and distributing its weight over, that vehicle.
3. The vehicles referred to in the previous numbers shall be referred to as agricultural or forestry trailers or semi-trailers, when these are intended to be pulled by an agricultural tractor, or by a motor cultivator.
4. A towable agricultural or forestry machine is a machine intended for agricultural or forestry work, which only travels on public roadways when towed.
5. A towable industrial machine is a machine intended for industrial work, which only travels on public roadways when towed.
6. No more than one trailer may be linked to each motorized vehicle, except in the case of vehicles called "interlinks", which may tow two semi-trailers.
7. The use of trailers in tourist convoys, as well as of trailers on agricultural or forestry tractors, on terms to be set in local regulations, constitute exceptions to the provisions of no. 6.
8. Without prejudice to the provisions of no. 6, the use of trailers for the public transport of passengers, shall be authorized by way of special regulations. The contravention of the provisions of no's 6 and 7 is punishable by a fine of 10,000.00 Mt.

### **Article 114 - Single vehicles, and vehicle convoys**

1. The following are considered to be single vehicles:
  - a) A heavy automobile, composed of two hard compartments, permanently linked by an articulated section which allows for communication between the two;
  - b) A tourist convoy, consisting of one tractor and one or more trailers, intended for the transport of passengers on short excursions, and for tourism or recreational purposes.
2. A vehicle convoy is a group consisting of one tractor unit, and its trailer or semi-trailer.

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3. For the purposes of circulation, a vehicle convoy is the equivalent of a single vehicle.

### **Article 115 - Velocipedes**

1. A velocipede is a vehicle with two or more wheels, driven by the force of its own driver, by way of pedals or analogous devices.
2. A motorized velocipede, is a velocipede equipped with an auxiliary electric motor with a maximum continuous power capacity of 0,25 kW, the output of which is progressively reduced with an increase in its speed, and interrupted when it reaches a speed of 25 km/h, or before this, if the cyclist stops pedaling.
3. For the purposes of this Code, motorized velocipedes and motorized scooters are the equivalent of velocipedes.

### **Article 116 - Trailers of two-wheel vehicles and side cars**

1. Motorcycles, mopeds and velocipedes may draw, at their rear, a trailer with one axle, intended for the transport of cargo.
2. Motorcycles with a cylinder capacity exceeding 125 cm<sup>3</sup> may be coupled to a sidecar intended for the transport of one passenger.

### **Article 117 - Characteristics of vehicles**

1. The characteristics of vehicles and their respective systems, components and accessories, shall be prescribed in regulations.
2. All of the systems, components and accessories of a vehicle shall be considered to be integral parts of that vehicle, and their non-functioning shall be equated with their absence, except in the case of occasional and duly justified unforeseeable breakdown.
3. The designs of automobiles, motorcycles, mopeds, agricultural tractors, tractor cars, trailers and semi-trailers, as well as their respective systems, components and accessories, shall be subject to approval, in accordance with the rules prescribed in regulations.
4. A manufacturer or seller who introduces vehicles, systems, components or accessories into the market without the approval referred to in the previous number, or who infringes the norms which regulate their manufacture or sale, shall be penalized by a fine of 5,000.00 Mt, in the case of an individual person, or of 10,000.00 Mt, in the case of a collective person, and with forfeiture of the objects, which shall be seized at the time at which the offence is verified.
5. A contravention of the provisions of no. 3 is punishable by a fine of 500,00 Mt.
6. The import of left hand drive vehicles for commercial purposes, is prohibited.

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7. The driving of vehicles which do not have approved systems, components or accessories, or which make use of systems, components or accessories which have not been approved in terms of no. 3 is prohibited.
8. A contravention of the provisions of no. 7 is punishable by a fine of 500,00 Mt.

#### **Article 118 - Vehicle transformation**

1. Transformation of a vehicle shall mean any alteration of its characteristics of construction, or functioning.
2. The transformation of motor vehicles and trailers shall be authorized on the terms set out in regulations.
3. A contravention of the provisions of this Article is punishable by a fine of 1,000.00 Mt.

### **CHAPTER II - Inspections and Registrations**

#### **Article 119 - Inspections**

1. Motor vehicles, and their trailers, may be subject, on terms set out in regulations, to inspection for:
  - a) The approval of their respective design or trademark;
  - b) Registration;
  - c) Approval of the alteration of their characteristics of construction, or functioning;
  - d) Periodic verification of their characteristics, and safety.
2. The vehicles referred to in the previous number may also be subjected to inspection when the alteration of the characteristics of construction or functioning of the vehicle, because of accident, or other causes, results in substantiated suspicions regarding the safety of the vehicle, or doubts regarding its identification.
3. A contravention of the provisions of this Article shall be punishable by way of a fine of Mt 2,000.00.
4. In the case of situations of vehicle misuse, the conducting of inspections will depend on prior compliance with the pecuniary sanctions applied because of offences committed in the use of the vehicle.

#### **Article 120 - Registration requirement**

1. Motor vehicles, and their trailers, may only be driven if they have a registration document which contains details of their identifying characteristics.

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2. Vehicles which run on rails, and trailers with a gross weight not exceeding 300 kg, are exempted from the provisions of the previous number.
3. The cases in which agricultural and industrial machines, motor cultivators and tractor cars shall be subject to registration, shall be prescribed in regulations.
4. The registration of the vehicle shall be requested from the competent authority by the person, singular or collective, who attends to its admittance, import, or introduction onto the consumer market, in the national territory.
5. Motor vehicles and trailers which must be presented to customs by the entities which are responsible for their admittance, import, assembly or manufacture, may leave these establishments without having been registered, on conditions to be prescribed in a specific diploma.
6. The process for the allocation and the composition of the registration number, as well as the characteristics of the respective number plate, shall be prescribed in regulations.
7. Anyone placing a vehicle into circulation, which is not registered in terms of the previous numbers, shall be penalized by a fine of 5,000.00 Mt except in the case of mopeds, tractor cars, agricultural or forestry tractors or trailers, in which case the fine shall be 2,500.00 Mt.

#### **Article 121 - Provisional registration**

1. Automobiles constructed in Mozambique, and intended for definitive export, shall also be the object of provisional registration, for a period not exceeding one hundred and eighty days.
2. The Ministers which oversee the transport and finance sectors shall determine the procedures and characteristics of the registrations referred to in this Article.

#### **Article 122 - Identification of vehicle**

1. A document, certifying the respective registration of each registered vehicle, must be issued.
2. The design and characteristics of the document referred to in no. 1, as well as the entity responsible for its issuing, shall be defined in specific regulations.
3. The person, singular or collective, who is the owner, acquirer with reserved property rights, usufructuary, lessee in terms of a financial lease or lessee for a period exceeding one year, or, who has possession of the vehicle, by virtue of a fact which is subject to registration, shall be the title holder of the identification document of the vehicle, and shall be responsible for its circulation.
4. The acquirer, or the person in favor of whom a right has been constituted, which confers title to the vehicle's identification document shall, within a period of 30

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days counting from the acquisition or constitution of the right, communicate such fact to the competent authority, for its registration.

5. The seller, or the person who, by way of any legal title, transfers the right of title over the vehicle to another, shall communicate this fact to the competent authority, for its registration, on the terms and within the periods referred to in the previous number, identifying the acquirer, or the person in favor of whom the right has been constituted.
6. In the case of a change of residence or registered address, the title holder of the vehicle's identification document shall communicate this alteration, within a period of 30 days, to the competent authority, requesting the respective endorsement.
7. When the vehicle's identification document is lost, or comes to be in a condition which makes any note or endorsement thereon illegible, the respective title holder shall request its duplication or substitution, accordingly.
8. Only the competent authority for the issuing of vehicle identification documents may make any endorsement or stamp thereon.
9. Each registered vehicle shall have number plates, bearing the respective registration number, on terms to be prescribed in regulations.
10. Any person infringing the provisions of no's 3 to 5, 7 and 8 and who places in circulation a vehicle, the characteristics of which do not conform to those mentioned in the document identifying it, shall be penalized by a fine of 750 Mt, unless a more serious sanction is applicable by way of another legal provision.

### **Article 123 - Cancellation of registration**

1. The owner shall request the cancellation of the registration, within a period of 30 days, when the vehicle enters into disuse, or has disappeared, without prejudice to official cancellation in the same cases.
2. A vehicle shall be considered to be in disuse, when it has incurred damage which makes its circulation definitively impossible, or which seriously affects its safety.
3. A vehicle shall be considered to have disappeared, when its location is unknown for a period of more than 3 years.
4. An owner who intends to stop using a vehicle on a public roadway, may request the cancellation of the registration thereof, provided that there are no uncanceled or unexpired encumbrances or charges thereon, which shall be officially verified.
5. If the owner is not the title holder of the vehicle's identification document, its cancellation shall be requested, jointly, by the owner and by the title holder of that document.

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6. Whenever they intervene in an act flowing from the disuse or disappearance of a vehicle, insurance companies shall be obliged to communicate this fact, and remit the vehicle's identification document, and the property registration deed, to the competent authorities.
7. Without prejudice to the provisions of no. 1, the courts, transport supervisory entities or other public entities shall communicate, to the competent authorities, the cases of vehicle disuse of which they become aware, in the exercise of their functions.
8. The competent authority may authorize the reinstatement of cancelled registrations or, in exceptional cases prescribed in regulations, the allocation of new registrations to vehicles which were previously registered in the national territory.
9. A contravention of the provisions of no's 1, 5 and 6 is punishable by a fine of 500 Mt, unless a more serious sanction is applicable in terms of another legal provision.

#### **Article 124 - Special regime**

The provisions of this Title are not applicable to those vehicles owned by military or security forces.

### **TITLE V - Legal Qualification to Drive**

#### **Article 125 - General principles**

1. Only a person legally qualified for this purpose, may drive a vehicle on a public roadway.
2. The driving of motor vehicles by those being instructed and examined, is permissible, in terms of the applicable legal provisions.
3. The driving on public roadways of vehicles owned by the armed forces, or of security vehicles, shall be regulated by special legislation.

#### **Article 126 - Driver's Licenses**

1. The document entitling the driving of automobiles, motorcycles, tricycles and quadricycles, shall be called a "driver's license".
2. Documents which entitle the driving of the following, shall also be called "driver's licenses":
  - a) Mopeds;
  - b) Other motor vehicles not referred to in the previous number, with the exception of motorized velocipedes.

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3. The documents set out in the previous numbers shall be issued by the competent authorities, and shall be valid for the categories of vehicles and time periods endorsed thereon, without prejudice to the provisions of the following numbers.
4. A driver's license issued in favor of a person who is not legally qualified to drive any of the categories of vehicles set out thereon, shall be provisional, and shall only be converted into a definitive license if, during the first two years of its period of validity, the holder is not charged with the commission of any crime or offence which may prohibit or prevent him from driving.
5. If, during the period referred to in the previous number, the holder is charged with the commission of any crime or offence which may prohibit or temporarily disqualify him from driving, the driver's license shall remain provisional until the respective decision is made an order of court, or until it becomes definitive.
6. The provisions of no's 4 and 5 are not applicable to licenses for the driving of agricultural vehicles.
7. Only the entity responsible for the issuing of driver's licenses, may make any endorsement or stamping thereon.
8. The entities responsible for the issuing of driver's licenses, shall organize, on terms prescribed in regulations, registers of licenses issued, which shall contain the identity and the domicile address of the respective license holders.
9. Drivers shall communicate any change of domicile address, within a period of 30 days, to the entity responsible for the issuing of driver's licenses.
10. The holders of driver's licenses issued by another SADC member State, and which are resident in Mozambique, shall, within a period of 180 days, inform the competent authority for the issuing of a driver's licenses, of their residential address in the national territory, for the purposes of updating the driver's register.
11. The revalidation, exchange, substitution and duplicate issuing of a driver's license are dependent upon prior compliance with any sanctions applied to the driver, provide that the time period referred to in Article 186 has not been exceeded.
12. A contravention of the provisions of no's 9 and 10, shall be punishable by a fine of 500 Mt, unless a more serious sanction is applicable by way of another legal provision.

### **Article 127 - Driver's license**

1. A driver's license authorizes the driving of one or more of the following categories of vehicles:

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- A1 – motorcycles, with or without sidecar, or motorcycles with four wheels, and cylinder capacity of less than 125 cm<sup>3</sup>.
  - A – motorcycles, with or without sidecar, or motorcycles with four wheels, and cylinder capacity greater than 125 cm<sup>3</sup>.
  - B – light automobiles, including those with a trailer, provided that the gross weight of this trailer does not exceed 750 kg, or, if it does exceed 750 kg, that it does not exceed the tare weight of the automobile, and the sum of the gross weight of the automobile and trailer, together, does not exceed 3500 kg;
  - C1 – heavy goods or passenger vehicles, with a gross weight of less than 16,000 kg, including those with a trailer, provided that the gross weight of these trailers does not exceed 750 kg, or, if it does exceed 750 kg, that it is not heavier than the tare weight of the automobile and the gross weight of the tractor unit;
  - C - heavy goods or passenger vehicles, with a gross weight exceeding 16000 kg, including those with trailer, provided that the gross weight of these trailers does not exceed 750 kg, or, if it does exceed this weight, is not greater than the tare weight of the vehicle and the gross weight of the vehicle tractor;
  - BE, CIE and CE – articulated vehicles or vehicle convoys;
  - P – public passenger services;
  - D – transport of dangerous goods;
  - G – merchandise.
2. The holders of a driver's license valid for vehicles in category A, shall also be deemed to be qualified to drive vehicles in subcategory A1, and mopeds.
  3. The holders of a driver's license valid for vehicles in category B, shall also be deemed to be qualified to drive:
    - a) Agricultural or forestry tractors, by themselves, or with mounted equipment, provided that their maximum weight does not exceed 6000 kg;
    - b) Light agricultural or forestry machines, motor cultivators, tractor cars and light industrial machines.
  4. The holders of driver's licenses valid for vehicles in category C1, shall also be deemed to be qualified to drive:
    - a) Vehicles in category B;
    - b) Vehicles referred to in the previous number;
    - c) Other agricultural or forestry tractors, with or without trailer, agricultural or forestry machines, and industrial machines.
  5. The holders of driver's licenses valid for vehicles in category C, shall also be deemed to be qualified to drive:
    - a) Vehicles in category C1;



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- b) Vehicles referred to in no's 3 and 4 of this Article;
  - c) Other agricultural or forestry vehicles, with or without trailer, agricultural or forestry machines, and industrial machines.
6. The holders of a driver's license valid for vehicles in category BE, shall also be deemed to be qualified to drive agricultural or forestry tractors, with a trailer, or towing an agricultural or forestry machine, provided that the gross weight of the two together does not exceed 6000 kg.
  7. The holders of driver's licenses valid for groups of vehicles in subcategories CIE or CE, shall also be deemed to be qualified to drive vehicles convoys in subcategory BE.
  8. Anyone driving a vehicle in any of the categories referred to in no. 1, which the respective driver's license does not authorize him to drive, shall be penalized by a fine of 1,000.00 Mt.
  9. Anyone who is the holder of a driver's license valid for categories B or EB, and who drives an agricultural or forestry vehicle or machine, for which the endorsed category does not confer authorization, shall be penalized by a fine of 1,000.00 Mt.
  10. Driver's licenses issued to individuals who, because of injury or deformity, require adapted vehicles, shall also indicate the registration number of the vehicle which its title holder is authorized to drive. The driving, by these individuals, of any other automobile is punishable by a fine of 1,500.00 Mt.
  11. Persons convicted of any of the following crimes may not be professional drivers, unless they have been rehabilitated:
    - a) Domestic theft, abuse of trust and swindling;
    - b) Conspiracy;
    - c) Rape, violation and corruption.
  12. A public service driver's license shall be issued to professional drivers who are older than 21 but younger than 65, and who have passed a specific examination, and who have, at least, one year of intensive practice in the driving of automobiles, and the necessary psychological and physical attributes, verified by medical declaration.
  13. A dangerous vehicles driver's license shall be issued to professional drivers who are older than 21 but younger than 65,
  14. The content of courses for the obtaining of a public service or dangerous vehicles driver's license, as well as the respective examinations, shall be defined in a diploma of the Ministry which supervises the transport sector.
  15. A driver's license for categories AI, A, B, CI and C with or without subcategory E shall be valid for five years, and two years, for subcategories P, D and G.

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16. Drivers who, while being titleholders of any of the documents referred to in no. 1 of this Article, are found to be driving without carrying these with them, shall be punished by way of a fine of 200,00 Mt.
17. Individuals found to be driving without being qualified to do so shall be punished by way of a prison sentence of between three days and six months, and a fine of 5,000.00 Mt, graded in accordance with the following circumstances:
  - a) Not having a driver's license;
  - b) Having a repealed driver's license, or one in respect of which the right to drive has been suspended;
  - c) Having a driver's license which expired more than 30 days before.
18. In the cases set out in lines b) an c), the prison sentence shall be replaced with a fine.

### **Article 128 - Driver's license**

1. The driver's licenses referred to in no. 2 of Article 126, are the following:
  - a) Those for mopeds;
  - b) Those for agricultural vehicles.
2. A driver's license referred to in line a) of the previous number qualifies the driver to drive one or both categories of vehicles endorsed thereon.
3. A driver's license for agricultural vehicles qualifies the driver to drive one or more of the following categories of vehicles:
  - I: Motor cultivators with semi-trailer or rear train, and tractor cars of a gross weight not exceeding 2,500 kg;
  - II:
    - a) agricultural or forestry tractors, either stand alone, or with mounted equipment, provided that the maximum weight does not exceed 3 500 kg;
    - b) agricultural or forestry tractors, with trailer, or towed agricultural or forestry machine; provided that the gross weight of the convoy does not exceed 6,000 kg;
    - c) light agricultural or forestry machines and tractor cars of a gross weight exceeding 2 500 kg;
  - III: Agricultural or forestry tractors, with or without trailer, and heavy agricultural machines.
4. Any person who, being the holder of a license valid only for the driving of mopeds, drives a motorcycle, or, being the holder of a license to drive agricultural vehicles, drives a vehicle in categories B, C1 or C, shall be penalized by a fine of 750,00 Mt.

### **Article 129 - Other Licenses**

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1. The following also authorize the driving of motor vehicles, in addition to the licenses referred to in Articles 127 and 128:
  - a) Special driver's licenses issued by the diplomatic corps and consular posts accredited in the country
  - b) Driver's licenses issued by other SADC member States;
  - c) Driver's licenses issued by a foreign State, which the State of Mozambique has been obligated to recognize, by international convention or treaty;
  - d) Driver's licenses issued by a foreign State, provided that this State gives identical validity to national licenses;
  - e) International driver's licenses;
  - f) Military driving authorizations.
  
2. The special driver's licenses referred to in line a) of no. 1 shall be issued in favor of:
  - a) Members of the diplomatic and consular posts accredited by the Mozambican Government, and members of their administrative and technical foreign mission staff who are not Mozambican, and do not have permanent residence in Mozambique;
  - b) Members of foreign military missions accredited in Mozambique;
  - c) Spouses and direct descendents in the first degree of the members referred to in the previous lines, provided that they are foreign, reside with them, and that this is provided for in applicable agreements or conventions.
  
3. The licenses referred to in the previous number shall be applied for at the Ministry of Foreign Affairs and Co-operation.
  
4. Special driver's licenses shall only be issued for the driving of vehicles in categories A1, A, B and BE, shall refer to the foreign driver's license which justifies their issuing, and shall be displayed therewith, whenever the holder is requested to do so by the National Vehicle Institute (INAV) and by traffic enforcement agents.
  
5. The holders of the licenses referred to in lines d) and e) of no. 1 shall only be authorized to drive motor vehicles if they do not have habitual residence in Mozambique.
  
6. The holders of the licenses referred to in no. 1 shall only be authorized to drive if they are of the minimum age required for the respective qualification, in terms of this Code.
  
7. The driving of vehicles designated for specific kinds of transport or services may also depend, on terms set out in separate legislation, on the holding of a corresponding qualifying document, or professional licensing.
  
8. A contravention of the provisions of no's 5 and 6 shall be punishable by a fine of 1,000.00 Mt.

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9. The holders of authorizations issued by the Armed Forces, valid for the driving of vehicles in categories similar to those referred to in no. 1 of Article 127 of this Code, and owned by those forces, may, after obtaining such a license, and up until two years after being so licensed, leaving the service or being drafted as a reserve or retiring, request a driver's license valid for the corresponding categories from the Provincial Vehicle Delegations, by presenting the authorization, their identity document, and three photographs.

### **Article 130 - Requirements for the obtaining of driver's licenses**

1. Any person who satisfies the following requirements, cumulatively, may obtain a driver's license:
  - a) Possession of a document identifying him, in legal terms;
  - b) Be of the minimum age, according to the category for which he intends to obtain a qualification;
  - c) Have the necessary physical, mental and psychological aptitude;
  - d) Be resident in the national territory, in the case of a foreigner;
  - e) Be able to read and write;
  - f) Have passed the respective driving test.
2. In order to obtain a driver's license, the following minimum ages are required, in accordance with the intended qualification:
  - a) subcategory A1 - 16 years;
  - b) categories A, B, C1, C, BE, CIE and CE – 18 years;
  - c) categories P and G - 21 years;
  - d) category D – 25 years.
3. In order to obtain a driver's license, the following minimum ages are required, in accordance with the intended qualification:
  - a) mopeds - 16 years;
  - b) motorcycles - 16 years;
  - c) agricultural tractors - 18 years.
4. Only those qualified to drive vehicles in category B, may be qualified to drive vehicles in category BE.
5. Only those qualified to drive vehicles in category C1, may be qualified to drive vehicles in category C.
6. Only those qualified to drive vehicles in categories C1 and C, respectively, may be qualified to drive vehicles in category CIE and CE.
7. Only those qualified to drive vehicles in category G, may be qualified to drive vehicles in category P.

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8. Regulations shall prescribe:

- a) The material to be tested in driving examinations;
- b) The periods of validity of driver's licenses, in accordance with the age of their holders, and the form of their revalidation;
- c) The syllabi for courses for the training of drivers;
- d) Periodical refresher courses for professional drivers.

9. The requirements in line a) of the previous Article shall be approved by a joint diploma of the Ministries which superintend the transport and health sectors.

10. In order to obtain a license as a public service driver, or as a driving instructor, candidates shall, in addition to the documents referred to in no. 1, present a psychological examination report.

### **Article 131 - Exchange of driver's licenses**

1. The following persons may also obtain a driver's license without passing the respective exam, by submission of the valid license which they hold, and proof of the requirements set out in lines a) and d) of no. 1 of Article 130:

- a) Holders of the driver's licenses referred to in lines b), c) and d) of no. 1 of Article 129;
- b) Holders of driver's licenses issued by other States, with which bilateral agreements regarding the reciprocal recognition of licenses have been concluded;
- c) The holders of driver's licenses issued by other States, provided that they prove that these were obtained following the passing of an exam of a level at least identical to that prescribed in Mozambican legislation.;
- d) the holders of the military bulletins referred to in line f) of No. 1 of Article 129.

2. A driver's license issued by another SADC member State shall be exchanged for an identical national license, if it has been seized in order to enforce compliance with a driving prohibition or temporary disqualification, or if necessary to attend to any endorsement.

3. The driver's licenses referred to in lines c) and d) of no. 1 of Article 129 shall not be exchanged when they state that they were already obtained by exchanging an identical license issued by the authorities of a State which is not a SADC member.

4. A photocopy, or certificate or public deed confirming the existence of a foreign driver's license is not a substitute, for the purpose of proving the right of its holder to drive, or for its exchange for a Mozambican driver's license.

5. The holders of valid driver's licenses referred to in line d) of Article 129, who have established residence in the national territory, shall request the exchange of the license for a Mozambican driver's license, for the categories for which they are qualified.

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6. For the purposes of the exchange referred to in the previous number, the applicant shall present the original driver's license, and a legal personal identification document, both valid, as well as a corresponding medical health certificate.
7. The license so exchanged shall be returned to its issuing authority, with an indication of the number and date of issuing of the Mozambican license for which it was exchanged.

### **Article 132 - New examinations**

1. If substantiated doubts arise regarding the physical, mental or psychological aptitude, or the capacity of a driver or candidate driver to drive safely, the competent authority shall determine that such person be subjected, singularly or cumulatively, to a medical inspection, a psychological examination and a new driving examination, or to any one of its tests.
2. In particular, driving in a direction opposite to that legally established, as well as dependency on, or a tendency to abuse, alcoholic beverages or psychotropic substances, shall constitute reasons to doubt the psychological aptitude or capacity of a driver to drive safely.
3. The state of being dependent on alcohol, or on psychotropic substances, shall be determined by a medical examination, which may be ordered in a case of driving under the influence of any of these beverages or substances.
4. A person shall be deemed to have a tendency to abuse alcoholic beverages or psychotropic substances if, within a period of three years, he commits two criminal offences of driving under the influence of alcohol or psychotropic substances.
5. When a court is made aware of an offence which gives rise to a prohibition on, or temporary disqualification from, driving, and there are substantiated reasons for presuming that this resulted from an inaptitude or incapacity which endangers the safety of persons and goods, the court shall order the subjection of the driver to medical examination, and to the examinations referred to in number 1.
6. If it is not possible to prove the requirements set out in line c) of no. 1 of Article 131, or if the authority which is responsible for exchanging the driver's license has substantiated doubts regarding its authenticity, the exchange may be made conditional upon the passing of a new driver's examination, or any one of its tests.

### **Article 133 - Expiry of driver's license**

1. A driver's license expires when:
  - a) Being provisional, in terms of no's 4 and 5 of Article 126, its holder is convicted of committing a road traffic offence or a contravention of the Road Traffic Code;
  - b) It is repealed, in terms of Article 149.

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2. A driver's license also expires when:

- a) It is not renewed, on terms set out in regulations;
- b) Its holder fails a medical examination required for the renewal of the title, or a psychological examination conducted by the health authority;
- c) Its holder does not submit himself to, or fails, any of the examinations referred to in no's 1 and 3 of the previous Article.

3. The renewal of a driver's license, or the obtaining of a new license, depends on the attendance of a course on road safety, the content and characteristics of which shall be set out in regulations, when :

- a) In terms of no. 1;
- b) In terms of line a) of no. 2, when it expired at least two years previously, except if the respective holders prove that they have held an identical and valid document, during this period;
- c) In terms of line b) of no. 2;
- d) In terms of line c) of no. 2, because of the absence or failing of a medical or psychological examination, when more than two years have passed since he was ordered to subject himself to these examinations.

4. The regime set out in nos. 4 and 5 of Article 119 is applicable to the new license, issued in terms of line a) of the previous number.

5. The holders of a driver's license which has expired in terms of no. 1, and of lines b) and c) of no. 2, shall be deemed, for all legal purposes, not to be qualified to drive the vehicles for which the license was issued.

6. Except as provided for in the following number, the holders of a driver's license which has expired in terms of line a) of no. 1 shall be deemed, for all legal purposes, not to be qualified to drive the vehicles for which the license was issued, only as regards the categories or subcategories for which renewal is required.

7. Any person who drives a vehicle with a license which has expired shall be penalized by a fine of Mt 1,000.00.

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### **Article 134 - Medical examinations**

1. The physical, mental and psychological aptitude referred to in this Code may be normal, special or medically certified.
2. The passing of a sanitary medical examination shall be conditional upon the judgment of the examining doctor or doctors, and on applicable general and special limits set out in the Regulations to the Code.
3. Whenever an inspection is passed by a driver or candidate driver, an attestation of medical and sanitary aptitude shall be issued, which shall be valid for six months, counting from the date on which it is issued.
4. Normal inspections shall be effected, in principle, by any doctor practicing the profession in the district in which the interested party is domiciled. He may, however, be examined in any district, even if domiciled in another district or province, or abroad.
5. When, during a normal inspection, a doctor ascertains that an examined person is not able to pass an aptitude test, he shall communicate his refusal to the respective directorate. If this happens, it shall be designated as a special inspection.
6. When, in a special inspection, a doctor verifies the existence of physical deficiencies which exceed the limits set out in regulations, but, in the opinion of the health service doctors, such deficiencies do not completely prevent the examined person from driving, the respective health service may propose that the question be submitted to a medical board.
7. An inspection by a medical board may also be requested from the Ministry of Health by an examined person who has failed a special inspection.
8. Whenever, during an inspection, a deficiency is noted which does not imply failure, but which requires compliance with specific conditions, to be set for each case by the entity conducting the inspection, these conditions shall be expressly recorded on the attestation, and endorsed on the driver's license itself.
9. The Ministers which oversee the health and transport sectors shall be competent to regulate the sanitary medical inspections referred to in this Code.

### **Article 135 - Restrictions on driving activity**

1. As a result of a medical or psychological examination, restrictions on driving activity, special deadlines for the renewal of licenses, or specific adaptations to the vehicle being driven, may be imposed on drivers, which shall always be indicated on the respective license, as well as with an appropriate symbol on the vehicle, to be defined in regulations.
2. Any person driving a vehicle without complying with the provisions of no. 1 shall be penalized by a fine of 2,000.00 Mt, if a more serious sanction is not applicable.



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### **Article 136 - Examiners and Instructors**

1. Drivers who have attended and passed an examiner's course, may be designated as driving examiners.
2. An instructor's license may only be granted, after the passing of a specific exam, to drivers who have, at least, three years of practical experience of the driving of vehicles in the category or subcategory for which they intend to provide instruction, and present a criminal record certificate and medical attestation which does not refer to any contagious disease.
3. Drivers convicted of any of the following crimes may not by examiners or instructors, unless they have been rehabilitated:
  - a) Domestic theft, abuse of trust and swindling;
  - b) Conspiracy;
  - c) Rape, violation and corruption.
4. Instructors may obtain, by way of a simple application, a professional driver's license for the category or subcategory of vehicles for which they provide instruction.
5. The syllabi for examiner training courses and other requirements shall be approved by the Ministry which oversees the transport sector.
6. The syllabi for instructor training courses and other requirements shall be approved by the Ministry which oversees the transport sector.

## **TITLE VI - LIABILITY**

### **CHAPTER I - General Provisions**

#### **Article 137 - Road Traffic Offence**

A road traffic offence constitutes any illegal and punishable act, for which a fine may be imposed, and which meets the requirements for a legally defined act, corresponding to a violation of a rule of the Road Traffic Code, or of complementary legislation, or of special legislation, the application of which is the responsibility of the National Vehicle Institute (INAV).

#### **Article 138 - Regime**

Road traffic offences shall be regulated by the provisions of this diploma, by complementary or special road traffic legislation which makes provision for such offences, and, subsidiarily, by the general regime relating to offences.

#### **Article 139 - Offences committed jointly**

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1. If the same fact constitutes, simultaneously, a crime and an offence, the offender shall always be punished for the commission of a crime, without prejudice to the application of the accessory sanction prescribed for the offence.
2. The application of the accessory sanction, in terms of the previous number, shall be the responsibility of the court with jurisdiction to adjudicate the crime.
3. The sanctions applied to offences committed jointly, shall always be materially accumulated.

### **Article 140 - Liability for offences**

1. Persons committing the acts which constitute road traffic offences, as set out in each legal diploma, shall be liable for such offences, without prejudice to the exceptions and presumptions expressly provided for in such diplomas.
2. Collective persons, or their equivalent, are liable in terms of general law.
3. Liability for the offences set out in the Road Traffic Code and in complementary legislation, falls to:
  - a) The driver of the vehicle, as regards offences which relate to driving;
  - b) The titleholder of the vehicle identification document, as regards offences relating to the conditions for the driving of the vehicle on public roadways, as well as for offences referred to in the previous line, when it is not possible to identify the driver;
  - c) Pedestrians, as regards offences relating to pedestrian traffic;
  - d) The passenger, as regards that which is applicable to him / her.
4. If the titleholder of a vehicle identification document proves that the driver used the vehicle abusively, or infringed the orders, instructions or terms of authorization issued, his liability shall cease, and the driver shall, in this case, be liable.
5. Instructors are liable for offences committed by those they instruct, provided that these do not result from disobedience to instructing directions.
6. Those being examined are liable for offences committed during the examination.
7. The following persons are also liable for offences set out in the Road Traffic Code and complementary legislation:
  - a) Employers who require from drivers a degree of effort which makes driving unsafe, or who subject drivers to a work schedule incompatible with their need for rest, when offences are a consequence of the fatigue of the driver;
  - b) Parents or guardians who are aware of the inability or imprudence of their minor children or those under their guardianship, and who do not prevent them from driving, while being able to do so;

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- c) The drivers of vehicles which transport minor passengers or those who may not be held criminally liable, and who permit these passengers not to use obligatory safety accessories;
  - d) Those who facilitate the use of vehicles by persons who are not duly qualified to drive, who are under the influence of alcohol or psychotropic substances, or in whom the physical or psychological faculties necessary for driving have been reduced in any other way.
8. The title holder of a vehicle identification document shall be subsidiarily liable for the payment of fines and costs which may be due by the offender, without prejudice to his right of recourse against this offender, except when the vehicle had been utilized abusively.

### **Article 141 - Classification of offences**

1. The offences set out in this Code and complementary legislation are classified as minor, medium and serious offences.
2. Minor offences are those which are not classified as medium or serious offences, and are punishable only by a fine.
3. Medium or serious offences are those which are punishable by a fine and accessory sanction.

### **Article 142 - Fine**

1. The offences set out in this Code for which no special penalty has been set, are punishable by a fine of Mt 500.00.
2. The destination of the product of the fines applied in terms of this Code and in complementary legislation, shall be defined in specific regulations.

### **Article 143 - Accessory sanction**

1. Medium and serious offences are punishable by a fine, and with an accessory sanction.
2. Any person committing any act when he is impeded or prohibited from doing so because of a court order or definitive administrative decision which applies an accessory sanction, shall be punished for the crime of qualified disobedience.
3. The minimum and maximum duration of the accessory sanctions applicable to other road traffic offences, shall be set out in the diplomas which make provision for them.
4. Accessory sanctions must be complied with within the following few days.

### **Article 144 - Repeat offences**

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1. An offender who commits an offence to which an accessory sanction applies, after having being convicted of another contravention of the same legal diploma or its regulations within a period of less than five years, and to which an accessory sanction is also applicable, shall be sentenced as a repeat offender.
2. The time during which the offender complied with the accessory sanction, or the prohibition on driving, or was subjected to a bar on the issuing of a driver's license, shall not be taken into account when calculating the period set out in the previous number.

### **Article 145 - Register of contraventions**

1. The register of contraventions shall be effected and organized in terms of legal diplomas which set out the respective offences, and for the purposes established therein.
2. The register referred to in the previous number shall include medium and serious offences committed, and their respective sanctions.
3. An offender shall have access to his records, whenever he requests it, on legal terms.
4. A copy of the registrations relating to an offender shall always be included in a file relating to an offence in which his liability is in question.

## **CHAPTER II - Special provisions**

### **Article 146 - Medium offences**

The following are considered to be medium driving offences:

- a) Throwing objects or substances out of the vehicle, or leaving them on the road;
- b) Failing to indicate, in advance, by way of a regulated arm gesture or by use of a light indicating the direction of the vehicle, the commencement of travel, the performance of a vehicle stopping maneuver, of a change of direction of travel, or of lane.
- c) Travelling with a vehicle speed less than half of the maximum vehicle speed set down for that road, thereby delaying or obstructing traffic, unless traffic and meteorological conditions do not permit otherwise;
- d) Driving with a vehicle displaying identification plates which do not comply with the specifications and designs established by the National Vehicle Institute (INAV);
- e) Failure to keep parking lights on, at night, when the vehicle is stopped for the purpose of loading or unloading passengers and goods, or unloading merchandise;
- f) Driving with a part of the body outside of the vehicle.

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- g) Crossing, or driving without regard for, one or two continuous longitudinal lines delimiting traffic directions, or one mixed line, with the same meaning;
- h) Driving a motorcycle or a moped without the use of a protective helmet;
- i) Travelling with a vehicle which may damage a road, or its installations or equipment;
- j) Excessive speed, in accordance with the classification contained in no. 2 of Article 33;
- k) Not using, or allowing a passenger not to use, a safety belt or protective helmet;
- l) Transporting children in an automobile, without complying with the special safety rules set out in this Code.

### **Article 147 - Serious offences**

1. The following shall be considered to be serious driving offences:

- a) Driving under the influence of alcohol or of any substance legally deemed to be narcotic or psychotropic;
- b) Conducting competitive sporting events, organized events, exhibitions and expert demonstrations of vehicle maneuvers, or participating in these, as a driver, without permission of the competent authority;
- c) Utilizing a vehicle on a public roadway for demonstrating or exhibiting dangerous maneuvers, sharp take-offs, skidding, or braking with sliding or dragging tyres;
- d) Failure by a driver involved in an accident, in which there is a victim:
  - i. To give or provide first aid to the victim, when he is able to do so;
  - ii. To take measures, when he is able to do so, to avoid danger to traffic at the location;
  - iii. To preserve the accident scene, so as to facilitate the work of the police and experts;
  - iv. To take measures to remove the vehicle from the accident scene, when required by police or a traffic officer.
  - v. To identify himself to police, and to provide information necessary for the drafting of an incident report, when requested by the authority and its agents.
- e) Making repairs, or allowing repairs to be made, to a vehicle on a public roadway, except in cases of an absolute inability to remove the vehicle, and when the vehicle is duly signposted;
- f) Travelling in a direction opposite to that established;
- g) Failure to give way to escorted vehicles, emergency fire and rescue vehicles, police vehicles, traffic operation and enforcement vehicles, and ambulances, while on an urgent mission and duly identified by regulated audible alarm devices and rotating or flashing blue or red lights;

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- h) Failing to keep a safe lateral and frontal distance between one's vehicle and others;
- i) Travelling backwards, except for the distance necessary to make small maneuvers, and in a manner so as not to cause risks to safety;
- j) Disobeying orders issued by the competent transport authority, or its agents;
- k) Changing direction in places where this is forbidden, and so signposted;
- l) Proceeding through red traffic lights or an obligatory stop, or disrespecting the obligation to stop imposed by a signal regulated by enforcement agents;
- m) Not giving way to pedestrians, by a driver who changes direction in town areas;
- n) Stopping and parking on walkways indicated as being for the crossing of pedestrians;
- o) Failing to give right of way, at intersections or non-signposted junctions, to vehicles turning to the right;
- p) Excess speed, in accordance with the classification contained in Article 33(2);
- q) Travel with irregular headlights, or with bright lights, in a manner which disturbs the vision of other drivers;
- r) Refusing to hand over to the transport authority or its agents, against receipt, driver's license, vehicle registration and other documentation required by law, for the purposes of verifying its authenticity;
- s) Not signaling any obstacle to free traffic flow or to vehicle and pedestrian safety caused by him, or unduly blocking the road;
- t) Overtaking vehicles stopped, in a line, because of a light signal, gate, partial road block or any other obstacle;
- u) Crossing, or driving without respecting, a continuous longitudinal line delimiting traffic directions;
- v) Crossing, or driving without respecting, a continuous longitudinal line;
- w) A failure to use advance danger warning signs, and hazard lights.

#### **Article 148 - Temporary disqualification from driving**

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1. The accessory sanction applicable to drivers for the commission of medium or serious offences foreseen in the Road Traffic Code and complementary legislation, is a temporary disqualification from driving.
2. Temporary disqualifications from driving as a result of the commission of a medium offence, shall have a duration of three months, six months, one year and two years, for the first, second, third and fourth offence, respectively.
3. Temporary disqualifications from driving as a result of the commission of a serious offence, shall have a duration of one year and two years, for the first and second offence, respectively.
4. The return of driver's licenses seized from drivers who are temporarily disqualified from driving, in terms of Articles 146 and 147, shall depend on the successful passing of a psychological and technical examination, and the regular and punctual attendance of a course on road safety.
5. The content of the psychological and technical examination shall be approved by the Ministry which oversees the health sector.
6. The content of the road safety course shall be approved by the Ministry which oversees the transport sector.

#### **Article 149 - Repeal of driver's license**

1. A driver's license shall be repealed when an offender commits a medium or serious offence and has, in the immediately preceding five years, been sanctioned for the commission of three serious offences, or five medium and/or serious offences.
2. The repeal of the driver's license shall be ordered in the decision which pertains to the commission of the most recent offence, referred to in number 1.
3. When the repeal of the driver's license is ordered, a new driver's license may not be issued to its title holder, for the driving of motor vehicles of any category, for a period of five years.
4. The Director of the National Vehicle Institute (INAV) shall have exclusive and non-delegable competence to order the repeal of a driver's license, on the terms set out in this Diploma.
5. Appeal may be made, against the decisions of the Director of the National Vehicle Institute (INAV), to the Minister overseeing the transport sector, counting from the date of notification.

#### **Article 150 - Register of driving offences**

1. The register of driving-related offences, organized in terms of its own diploma, shall contain:

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- a) Crimes committed in the driving of motor vehicles, and respective penalties and safety measures;
  - b) Minor, medium and serious offences committed, and their respective penalties.
2. All reports regarding offences and vehicle accidents shall be sent to the National Vehicle Institute (INAV), for registration and control of the archiving of the same.

## **CHAPTER III – Vehicle Accidents**

### **Article 151 – Concept of accident, and death in an accident**

1. A vehicle accident means all external or internal injury, and all nervous or psychological disturbance or patrimonial and moral damage which results from an external, violent action, produced suddenly by any vehicle or means of transport in circulation on a public road.
2. Death in an accident shall be deemed to mean that which occurs up until thirty days after the incident is recorded.

### **Article 152 – Content of accident reports**

Whenever any vehicle accident takes place, of which the authority with the competence to monitor or ensure the safety of public roads, is aware, a report shall be drafted, which shall contain, in addition to the identification of the drivers, victim, vehicles and their owners:

- a) A detailed description of the way in which the accident occurred, its probable causes and consequences, and the date, time, place at which it happened;
- b) Identification of the victims;
- c) Legible name of the reporting agent;
- d) Identification of the vehicle and its owner;
- e) Position in which the vehicles and the victims were found, with exact measurements, as regards any inalterable point;
- f) Direction of travel of the vehicles, location and description of tyre tracks or other marks which indicate the trajectory followed, the point at which braking or a change of direction of travel was commenced, and the place of the accident;
- g) State of operation of brakes, steering and acoustic signaling of each vehicle;
- h) Reference to the fact that the reporting agent witnessed, or did not witness, the accident, and, if not, an indication and identification of the persons providing the detailed information contained in the report.

### **Article 153 – Vehicle accident which results in death**

1. A driver who, with serious fault, causes the death of another person, shall be punished by way of a prison sentence of between one and three years, and a corresponding fine.



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2. Serious fault, for the purposes of the provisions of this article, presupposes a violation of the rules set out in Articles 29, 30, 38, 39, 41, 43, 44, 45, 47, 48 and 81 of this Code.
3. When the driver is not one who is habitually imprudent, the penalty shall be a prison sentence of between six months and two years, and a corresponding fine.

### **Article 154 – Abandonment of injured persons**

1. Drivers who voluntarily abandon persons who are victims of accidents which they have caused, totally or partially, shall be punished:
  - a) With a prison sentence and fine of up to two years, in accordance with the damage suffered by the victim, the seriousness of injuries, and the difficulty of obtaining first aid, when his omission did not aggravate the situation, or resulted in aggravation which did not result in the death of the injured person. If there was aggravation, this shall be taken into account in sentencing;
  - b) With a prison sentence of from two to eight years, when the omission resulted in the death of the injured person;
  - c) With a penalty corresponding to the crime of the intentional commission of any omission, when the abandonment occurred after the driver had ascertained its probable results, accepted them, or was indifferent to them.
2. If, from the application of line c), a lower penalty results than that set out in line a), the court shall apply the penalty set out in line a) when the omission was more dangerous than its eventual result.
3. Persons transported in vehicles, or on animals, who are aware of the accident and do not oppose the abandonment, as they are able, shall be punished as an accessory to an offence.
4. A negligent failure to provide first aid shall be punished by a prison sentence of up to one year, in accordance with the degree of fault of the offender, and the results of the omission.
5. All drivers of vehicles or animals who encounter injured persons on public roads who require first aid, and cannot obtain it themselves without grave danger, and do not provide or collaborate in the provision of the necessary assistance, shall be punished by way of a prison sentence and a fine of up to six months, in accordance with the severity of the danger in which the injured party was.
6. If the omission results in death, the penalty shall be a prison sentence and fine of up to one year.
7. The same penalties shall be applied to pedestrians who do not provide, or do not collaborate in providing, the necessary first aid, to the extent possible.

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### **Article 155 – Arbitration, mediation, conciliation and prosecution of vehicle accidents**

1. Vehicle accidents which result only in material damage and/or involuntary bodily injury, which does not result in more than 10 days of illness, may be adjudicated by way of arbitration, mediation or conciliation, if the parties indicate their willingness thereto, in writing.
2. Irrespective of what is set out in no. 1, a notification report shall be drafted and remitted to the National Vehicle Institute (INAV), within the period set out in no. 4 of this Article, for recording in the driver's file. The prosecution of the reports shall depend on the submission of a complaint by the offended party or an insurance company, as the case may be.
3. Opting for an extrajudicial conflict resolution means shall not annul the punishment due for any contravention which has been committed.
4. In the case of a vehicle accident which does not result in the death of anyone, the accident report shall be drafted and sent to the competent entity, for institution of proceedings, or to a court, as the case may be, within a period of twenty four hours.
5. Whenever the driver, at the time of the accident, presents documentation in terms of Article 157 of this Code, he shall be exempt from detention, except in the case of vehicle accidents which result in death, with serious fault, in terms of no. 2 of Article 153, in which case the offender shall be brought before a criminal judge, immediately, or within a period of twenty four hours.
6. Whenever possible, and the seriousness of the accident justifies it, the reporting agent shall draw a schematic diagram, containing the details observed, or photograph the objects or signs indicating these details. The diagram or photograph shall be attached to the report.
7. No authority, agent of authority or public official may annul or declare any notification report, drafted in terms of Article 166 of the Criminal Procedure Code, to be without effect, or fail to draft such a report, or prevent its remission to a judge, within legally defined time periods.

## **CHAPTER IV - Civil liability guarantee**

### **Article 156 - Civil liability actions**

1. Actions for the claiming of civil liability, when these are not required to be brought by way of criminal proceedings, shall be within the competency of the court where the accident took place, and shall follow summary procedures.
2. For the purposes of the determination of the cause, the initial petition shall indicate, in words, the specific amount claimed as compensation.

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3. Reconvention shall not be admissible.
4. Judgment on the facts shall be within the competency of the provincial court, when the value of the action exceeds the scope of the district court.

### **Article 157 - Insurance obligation**

Motor vehicles and their trailers, on terms to be set out in regulations, may only travel on a public roadway if they have obtained, in terms of special legislation, third party liability insurance.

### **Article 158 - Sporting events insurance**

The authorization for the conducting, on a public roadway, of Sporting events involving motor vehicles, and their official training sessions, is dependent upon the taking out, by the organizer, of insurance which covers its liability to third parties, as well as that of the owners or holders of vehicles, and participants, flowing from damage resulting from accidents caused by these vehicles.

## **TITLE VII - Enforcement Procedures**

### **CHAPTER I - Seizures**

#### **Article 159 - Preventive seizure of driver's licenses**

1. A driver's license shall be preventively seized by enforcement authorities or their agents, when:
  - a) It is suspected that it is counterfeit, or was fraudulently falsified;
  - b) Its period of validity has expired;
  - c) It is in a condition which makes any note or endorsement thereon illegible.
2. In the cases set out in lines b) and c) of the previous number, a driving authorization shall be provided in exchange for the driver's license, which shall be valid for the time deemed necessary, and renewable, for justified reasons.

#### **Article 160 - Other cases of the seizure of driver's licenses**

1. Driver's licenses shall be seized in order to enforce compliance with the repeal of the driver's license, or a prohibition of, or temporary disqualification from, driving.
2. The National Vehicle Institute (INAV) shall also order the seizure of driver's licenses when:

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- a) Any of the tests conducted in terms of no's 1 and 3 of Article 132 indicate a technical incapacity or physical, mental or psychological inaptitude of the examined person to drive safely;
  - b) The driver does not present himself for any of the tests referred to in the previous line, or in no. 3 of Article 132, unless he justifies his absence within a period of 5 days;
  - c) The license has expired, in terms of no. 1 of Article 133.
3. In the cases set out in the previous numbers, the driver shall be notified, at the time of drafting of the report, to deliver the driver's license to the competent authority within a period of 15 days, failing which he shall commit the crime of disobedience.
  4. Without prejudice to punishment for the crime of qualified disobedience, if the driver does not deliver the driver's license in terms of the previous number, the competent entity may order its seizure, via the enforcement authority and its agents.
  5. Irrespective of the seizure of the license in terms of the provisions of the previous number, the report drafted on the matter shall be sent to the competent court, accompanied by information regarding non-compliance with the provisions of no. 3 of this Article.

#### **Article 161 - Seizure of vehicle identification document**

1. A vehicle identification document shall be seized by the enforcement authorities or their agents, when:
  - a) it is suspected that it is counterfeit, or has been falsified;
  - b) if it is found to be in a state which makes it impossible to understand any indication or endorsement thereon;
  - c) the vehicle falls into disuse, because of an accident;
  - d) the vehicle is seized;
  - e) the vehicle is found to be circulating when unsafe;
  - f) if it is determined, in inspection, that the vehicle is unsafe, or, if used for public transport, that it is not sufficiently comfortable;
  - g) the number plates do not comply with regulatory conditions, as regards their technical characteristics and placement;
  - h) the vehicle is circulating without due respect for the rules relating to noise, soil and air pollution;
  - i) the characteristics of the vehicle it relates to, do not conform to those listed, except in the case of replacement engines which have been duly registered, or of tyres with measurements greater than those indicated as being suitable for its wheels.
2. When a vehicle's identification document is seized, all other documents relating to the circulation of that vehicle shall also be seized, and shall be returned when the identification document is returned.

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3. In the cases set out in lines a), c) and g) of no. 1, a note shall be issued as a substitute for the vehicle's identification document, which shall be valid for the time period and on the conditions set out thereon.
4. In the cases set out in lines b) and e) of no. 1, a note shall be issued, valid only for travel to the vehicle's destination.
5. A note shall also be issued as a substitute for the vehicle's identification document, valid for the undertaking of the journeys necessary for the undertaking of repairs, so as to legalize the vehicle's condition, or to present it for inspection.
6. In the situations set out in lines f) and h) of no. 1, in the case of damage to lights, tyres or number plates which may easily be repaired, a note may be issued, in terms of which the vehicle must be presented in a repaired condition, at a police post, within a maximum period of eight days, and in such a case the applicable fines shall be reduced to half of their minimum and maximum limits.
7. Without prejudice to the provisions of no's 3 to 5, any person driving a vehicle, the identification document of which has been seized, shall be penalized by way of a fine of 1.500,00 Meticaís, in the case of an automobile, motorcycle or trailer, and of 750 Meticaís, in the case of any other kind of vehicle.

### **Article 162 - Seizure of vehicles**

1. Vehicles shall be seized by the authorities, when:
  - a) they are driven with registration numbers which do not match the vehicle, or which have not been legally allocated;
  - b) they are driven without number plates, or have not been registered, except in cases in which this is legally permitted;
  - c) they are driven with registration numbers which are not valid for travel in the national territory;
  - d) they are driven when the respective identification document has been seized, except if this has been substituted by a note, issued in terms of the previous Article;
  - e) the respective property registration deed, or details of title on the identification document, have not been regularized, within the legal time period;
  - f) an accident has been caused, without third party liability insurance, as required by law;
  - g) the characteristics of the vehicle in question do not correlate with those indicated on its identification document, except in the case of replacement engines which have been duly registered, or of tyres with measurements greater than those indicated as being suitable for its wheels.
  - h) they are driven without having been submitted for inspection, so as to confirm the correction of anomalies identified during a previous failed inspection, within the time period set down therefor;
  - i) the seizure is ordered, in terms of the provisions of Article 149.

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2. In the cases set out in the previous number, the vehicle shall not remain under seizure for a period of more than 90 days because of the negligence of the owner in attending to the legalization its situation, and if it does so remain under seizure, the vehicle may be forfeited to the State.
3. In the cases set out in lines a) and b) of no. 1, the vehicle shall be placed at the disposal of the competent judicial authority whenever a criminal case has been instituted.
4. In the cases set out in lines c) and f) of no. 1, the owner may be designated as the trust depositary of the vehicle.
5. In the case of accident, the seizure referred to in line f) of no. 1 shall remain in place until it is proven that due compensation has been paid, or, if the respective amount has not been determined, until a security deposit is paid, in an amount equal to the minimum amount of obligatory insurance.
6. The title holder of the vehicle's identification document shall be liable for the payment of expenses flowing from its seizure.

## **CHAPTER II - Abandonment, blocking and removal of vehicles**

### **Article 163 - Undue or abusive parking**

1. Parking is deemed to be undue or abusive, if:
  - a) The vehicle is parked, for a period of 30 uninterrupted days, at a place on a public roadway or in a parking lot or zone exempt from the payment of any fee;
  - b) The vehicle is parked in a parking lot, when fees relating to five days of use have not been paid;
  - c) The vehicle is parked in a parking zone for which a fee must be paid, when this has not been paid, or two hours have passed since the expiry of the period which has been paid for;
  - d) The vehicle remains in a limited parking zone for more than two hours after the permitted time period has expired;
  - e) Agricultural vehicles, industrial machines, trailers and semi-trailers not connected to a tractor unit, or advertising vehicles, remain in the same place for a period of more than 48 hours, or for 30 days, if parked in lots intended for this purpose;
  - f) If a vehicle is parked for a period of more than forty eight hours, and has exterior signs evidencing abandonment, or cannot be safely removed without assistance;
  - g) A parked vehicles has no number plates, or number plates which do not permit a correct reading of the registration number.
2. The time periods set down in lines a) and e) of the previous number shall not be interrupted if the vehicles are only moved from one parking place to another, or if they remain in the same parking lot or zone.

### **Article 164 - Blocking and removal**

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1. Vehicles may be removed if:
  - a) They are unduly or abusively parked, in terms of the previous Article;
  - b) They are parked or immobilized on the shoulder of a freeway, or on an equivalent road;
  - c) They are parked or immobilized so as to constitute an obvious danger or serious hindrance to traffic;
  - d) They have exterior signs of manifest non-use of the vehicle, on terms set out in regulations;
  - e) They are parked or immobilized in places which, for reasons of safety, public order, emergency, first aid, or other motives, justify their removal.
2. For the purposes of the provisions of line c) of the previous number, the following cases of parking or immobilization shall be deemed to constitute obvious danger or serious hindrance to traffic, among others:
  - a) On a road or circulation corridor reserved for public transport;
  - b) At a place for the stopping of collective passenger transport vehicles;
  - c) At a signposted pedestrian crossing;
  - d) On sidewalks, or in areas reserved exclusively for pedestrian traffic;
  - e) On the carriageway, without being on the shoulder or sidewalk;
  - f) At a place intended for the access of vehicles or pedestrians to properties, garages or parking areas;
  - g) At a place intended for the parking of vehicles of certain categories, or for the parking of vehicles in the service of specific entities, or, also, intended for the stopping of vehicles for the purpose of loading or unloading, or the embarking or disembarking of passengers;
  - h) Hindering the formation of one or two lines of traffic, depending on whether this takes place in one or two directions;
  - i) On the carriageway, in a second row;
  - j) At a place which impedes access to other vehicles which have been duly parked, or the exit of these vehicles;
  - k) At night, on the carriageway, outside of towns, except in the case of immobilization because of breakdown, duly signposted;
  - l) On the carriageway of a freeway or equivalent road.
3. When any of the situations referred to in lines a), b) and c) of no. 1 has been verified, the authorities responsible for enforcement may block the vehicle, by means of an appropriate device, preventing it from moving until its removal can be attended to.
4. In the situation set out in line c) of no. 1, if it is not possible to remove the vehicle immediately, the authorities responsible for enforcement shall, also, move the vehicle provisionally, to another place, so as to block it, until it can be removed.
5. The unblocking of the vehicle may only be done by the competent authorities, and any other person who does so shall be penalized by a fine of 2,000.00 Meticaís.

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6. An owner, acquirer with reservation of property rights, usufructuary, lessee under a regime of financial lease, lessee for a period exceeding one year, or person who, by virtue of the a fact subject to registration, has possession of the vehicle, shall be liable for all costs occasioned by the removal of the vehicle, without prejudice to applicable legal sanctions, with reservation of a right of recourse against the driver.
7. The conditions of, and fees owed for, the blocking, removal and deposit of vehicles, shall be prescribed in regulations.
8. Fees shall not be due when it is verified that legal provisions were incorrectly applied.

### **Article 161 - Presumption of abandonment**

1. Once the vehicle has been removed, in terms of the previous Article, the owner shall be notified, at the residential address contained in the respective registration, to collect the vehicle within a period of 30 days.
2. Considering the general condition of the vehicle, if a risk of deterioration, which may result in the price obtained at a public auction for the sale of the vehicle not covering the costs arising from its removal and storage, is foreseeable, then the time period set down in the previous article shall be reduced to 15 days.
3. The time periods referred to in the previous numbers shall be calculated from the receipt of notification or its affixing in terms of the following Article.
4. If the vehicle is not reclaimed during the period set out in the previous numbers, it shall be deemed to have been abandoned, and acquired, by occupation, by the State, or by the local municipal authorities.
5. The vehicle shall immediately be considered to have been abandoned, when this is the intention which was openly expressed by its owner.



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### **Article 166 - Owner notification**

1. The notification shall contain an indication of the place to which the vehicle has been removed, and shall also state that the owner may remove it within the periods referred to in the previous Article, following payment of the costs of removal and storage, failing which the vehicle shall be deemed to have been abandoned.
2. In the case foreseen in line f) of No. 1 of Article 162, if the vehicle presents signs evidencing an accident, the notification must be made personally, unless the owner is not in a condition to receive it, in which case it may be made to any person at his residence, preferably his relatives.
3. If it is not possible to make use of personal notification, because the identity or residence of the vehicle's owner is unknown, then the notification shall be affixed at the municipal office for the area in which the vehicle was found, or at the last known residence of the owner, respectively.
4. The delivery of the vehicle to the claimant is dependent upon the payment of a security deposit in an amount equivalent to the costs of its removal and storage.

### **Article 167 - Hypothec**

1. When the vehicle is the object of a hypothec, the creditor shall also be notified of its removal, at his residential address, as contained in the respective registration, or in terms of no. 3 of the previous Article.
2. The notification to the creditor must contain an indication of the terms on which the notification was made to the owner, and the date on which the deadline referred to in the previous article terminates.
3. The hypothecary creditor may request the delivery of the vehicle as a trust deposit, in case the owner does not collect it, on expiry of the deadline.
4. The application shall be submitted within a period of 20 days following the notification, or by the expiry of the time period for the collection of the vehicle by the owner, if it terminates thereafter.
5. The vehicle shall be delivered to the hypothecary creditor as soon as all costs relating to its removal and deposit are proved to have been paid, and payment shall be made within the 8 days following the expiry of the last of the time periods referred to in the previous Article.
6. The hypothecary creditor has a right to demand from the owner the costs referred to in the previous number, and those which it effects in its capacity as trust depository.

### **Article 168 - Pledge**

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1. When the vehicle is the object of a pledge, or equivalent act, the authority which attended to its removal shall inform the court of the circumstances justifying it.
2. In the case foreseen in the previous number, the vehicle shall be delivered to the person who the court designates as a trust depository, for this purpose, and the prior payment of costs of removal and deposit shall be dispensed with.
3. In execution, outstanding accounts for the costs of removal and deposit enjoy a special movable privilege.

## **TITLE VIII - PROCEEDINGS**

### **CHAPTER I - Competency**

#### **Article 169 - Institution of Proceedings**

1. The Provincial Vehicle Delegations shall be competent to institute proceedings in respect of contraventions, and shall, when necessary, request the collaboration of the police authorities, as well as that of other authorities or public services.
2. The Provincial Vehicle Delegations shall be competent to decide on appeals against fines corresponding to contraventions.
3. Appeal may be made, against the decisions of the Provincial Vehicle Delegations, to a competent court.

#### **Article 170 - Incident report and charge sheet**

1. When any authority, or traffic officer, in the exercise of its enforcement functions, witnesses a road traffic transgression, he shall draft, or have drafted, an incident report, which shall indicate the facts constituting the infraction, the date, time and place and the circumstances in which it was committed, the name and the office of the authority or traffic officer who was present, the identification of the offenders, and, when possible, that of at least one witness who may depose to the facts.
2. The incident report shall be signed by the authority or traffic officer who drafted the report, or had it drafted, and, when possible, by the witnesses.
3. The incident report, drafted and signed in terms of the previous numbers, shall constitute proof of the facts witnessed by the reporting officer, unless the contrary is proven.
4. The provision of the previous number shall apply to the elements of proof obtained by means of devices or instruments approved by law or regulation.

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5. The authority or traffic officer who becomes aware, because of a complaint, or by his own knowledge, of an infraction, shall draft an incident report, to which shall apply, equally, the provisions of no´s 1 and 2, with the necessary adaptations.
6. Incident report forms, and forms for the collection of data regarding vehicle accidents, as well as other inherent aspects, shall be approved by way of a joint diploma of the Ministries which oversee the transport, interior and health sectors.

### **Article 171 - Identification of accused**

1. The identification of the accused shall be effected by way of an indication of:
  - a) His full name, or, in the case of a collective person, its company name;
  - b) Residence or, in the case of a collective person, head office;
  - c) Number of legal personal identification document, date and respective issuing bureau, or, in the case of a collective person, the number of that collective person;
  - d) Driver´s license number, and respective issuing bureau;
  - e) Identification of legal representative, in the case of a collective person;
  - f) Number and identification of the document which authorizes the exercise of the activity in the scope of which the offence was committed.
2. In the case of an offence committed when driving, when the traffic officer cannot identify the offender, the offender shall be identified as the title holder of the vehicle identification document, and the respective charge shall be laid against him.
3. If, in the time period set down for the defense, the title holder of the vehicle identification document identifies another person as the offender, and supplies all of the elements listed in no. 1, the charge shall be suspended, and a new charge shall be laid against the person identified as the offender.
4. The charge referred to in no. 2 shall be withdrawn, when it is proven that another person committed the offence, or used the vehicle abusively.
5. When the traffic officer is not able to identify the offender, and verifies that the titleholder of the identification document is a collective person, this person shall be notified to identify the driver within a period of 15 working days, failing which the charge shall be laid against it, in terms of no. 2.
6. The holder of a vehicle identification document, shall, whenever requested, and within a period of 15 days, identify the driver at the time of the commission of the offence.
7. A contravention of the provisions of the previous number, shall be punished by a fine of 1,000.00 Meticais.

### **Article 172 - Voluntary compliance**

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1. The voluntary payment of a minimum fine, or an appeal, shall be permissible, on the terms and for the purposes set down in the following numbers.
2. The option to make a voluntary payment, without increase in costs, must be exercised within a period of 15 working days, counting from the date of notification for this purpose, and the offender may pay the fine at any Provincial Traffic Department of the Police of the Republic of Mozambique, or Provincial Vehicle Delegation.
3. Within a period of seven days, counting from the date of issue of the notice of the fine, the entity which drafted the contravention report shall send it to the Vehicle Delegation for the respective area, with information regarding the status of the payment of the fine applied.
4. The exemption from costs set out in the previous number shall not relate to costs flowing from medical examinations and toxicological analyses legally set down for the determination of states of being under the influence of alcohol or psychotropic substances, those flowing from vehicle inspections, or those resulting from any evidentiary step requested by the accused.
5. At any time during the course of the matter, but always before a decision is taken, the accused may opt to pay a voluntary fine, which, in such a case, shall be calculated without prejudice to costs which may be due.
6. The voluntary payment of a fine, in terms of the previous numbers, shall result in the archiving of the matter, except if an accessory sanction is applicable to the offence, in which case its prosecution shall be restricted to the application of such sanction.
7. Once the time period referred to in no.2 has expired, the fine may still be paid voluntarily, but will be increased by 20%.
8. If, within a period of 15 days, the offender has not paid the fine or appealed, or if an appeal may not be instituted, the report shall be sent by the Provincial Vehicle Delegation to the competent court, for judgment.

#### **Article 173 - Offenders with sanctions still to be complied with**

1. If, in any act of enforcement, (it is verified that) the driver of title holder of the vehicle identification document has not complied with the pecuniary sanctions which were previously and definitively applied to him, the driver shall immediately make payment.
2. If payment is not made immediately, the following shall be done:
  - a) If the sanction is related to the driver, the driver's license shall be seized;
  - b) If the sanction relates to the owner of the vehicle, the vehicle identification document shall be seized.

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3. In the cases referred to in the previous number, the seizure of documents shall be provisional, and notes substituting the same shall be issued, valid for 15 days.
4. Documents seized in terms of the previous number shall be returned by the fining entity, if the amounts which are due are paid within that time period.
5. If payment is not effected in the time period referred to in no. 3, the vehicle shall be seized, and the fining entity shall remit the seized documents to the Provincial Vehicle Delegation for the area where the enforcement action was taken.
6. If the accessory sanctions of a temporary prohibition against driving, or of vehicle seizure have not been complied with, the effective seizure of the driver's license, or of the vehicle, as the case may be, shall take place, so as to ensure compliance with the respective sanction.
7. The seized vehicle may be executed against, for payment of due amounts.

#### **Article 174 - Communication of offence**

1. Following the filing of an incident report, the accused shall be notified of:
  - a) The facts which constitute the offence;
  - b) The legislation infringed, and in terms of which the facts may be penalized;
  - c) Applicable penalties;
  - d) The deadline and place for the presentation of his defense;
  - e) The possibility of the voluntary payment of a minimum administrative fine, and the deadline and manner for the payment thereof, as well as the consequences of non-payment;
  - f) The deadline for the identification of the offender, on the terms and with the effects set out in numbers 3 and 5 of Article 170.
2. The accused may, within a period of 15 working days, counting from the notification, present his defense, in writing, along with the testimony of a maximum of three witnesses and other evidence, or he may make a voluntary payment, on the terms and with the effects set out in Article 171.
3. The voluntary payment of the administrative fine does not prevent the accused from presenting a defense as regards the severity of the offence and the applicable accessory sanction.

#### **Article 175 - Notifications**

1. Notifications may be served:

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- a) By personal contact with the notified person, at the place at which he is located;
  - b) By way of registered letter, sent to the domicile or head office of the notified person;
  - c) By way of an unregistered letter, sent to the domicile or head office of the notified person.
2. Notification by personal contact shall be served, whenever possible, at the time of the drafting of the incident report, and may also be utilized when the notified person was located by the competent entity.
3. If it is not possible, at the time of drafting of the incident report, to proceed in terms of the previous number, or if any other act is in question, the notification may be served by way of a registered letter sent to the domicile or head office address of the notified person.
4. If, for any reason, the letter referred to in the previous number is returned to the sending entity, the notification shall be resent to the notified person, to his domicile or head office address, by unregistered mail.
5. In the case of offences relating to driving, or to the provisions which make the driving of a vehicle on a public roadway conditional, the domicile of the notified party, for the purposes of the provisions of numbers 3 and 4, shall be:
  - a) That contained in the register of driver's licenses organized by the competent authorities for the issuing thereof, in terms of this diploma;
  - b) That of the holder of the vehicle's identification document, in the cases set out in line b) of no. 3 of Article 139, and of numbers 2 and 5 of Article 170.
6. For the remaining offences, and for the same purposes, the domicile of the notified party shall be considered to be:
  - a) That contained in the register organized by the competent entity for the issuing of an authorization, permit, activity license or credential; or,
  - b) That corresponding to his work place.
7. Notification by registered mail shall be deemed to have been served on the date on which the notice of receipt was signed, or on the third working day after that date, when the notice was signed by a person other than the accused;
8. In the case of notification by unregistered letter, the official of the competent entity shall make a note on the file, indicating the date on which the letter was sent, and the address to which it was sent, and the notification shall be deemed to have been served on the fifth day following the date so indicated, and this shall be recorded in the notification document.
9. When the holder of the vehicle identification document is liable for the offence, the notification may be handed to the driver at the time of the drafting of the incident report.

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10. Whenever the notified person refuses to receive or sign the notification, the agent must record his refusal, and he shall be deemed to have been notified.

### **Article 176 - Witnesses**

1. Witnesses, experts or technical consultants appointed by the accused, in his defense, shall be presented by him at the date, time and place indicated by the charging authority.
2. Experts of official establishments, laboratories or bureaus are exempted from the provisions of the previous number, as are traffic officers, even when called by the accused, and shall be summoned by the administrative authority.

### **Article 177 - Postponement of the hearing of witnesses**

1. The hearing of witnesses, experts or technical consultants may only be postponed once, if their failure to appear at the first appointment is considered to be justified.
2. An absence based on a fact which is not imputable to the absent party, and which prevents him from appearing at the procedural hearing, shall be considered to be justified.
3. The impossibility of appearance shall be communicated 5 days in advance, if it is foreseeable, and by the third day following the date set down for the performance of the act, if not foreseeable, and the communication shall contain an indication of the respective motive and probable duration of the impediment, failing which the absence may be considered to be unjustified.
4. Proof of the impossibility of appearance shall be presented along with the communication referred to in the previous number.

### **Article 178 - Absence of the accused**

The failure of the accused to appear at the inquiry of which he had been informed, shall not prevent the continuance of the proceedings, except if his absence is deemed to be justified in terms of the previous Article, in which case the regime set down therein shall be applicable.

### **Article 179- Precautionary measures**

Precautionary measures may be imposed, on the terms set out in each legal diploma, when this is necessary for the investigation of the matter, or for the maintenance of road safety, and also when the accused exercises authorized professional activities, in terms of an authorization, or licensed by the National Vehicle Institute (INAV), and has committed an offence in the exercise of these activities.

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## **CHAPTER II - Decision**

### **Article 180 - Sentencing decision**

1. A decision issuing a fine, or accessory sanction, must contain:
  - a) The identification of the offender;
  - b) A summarized description of the facts, evidence, and circumstances relevant to the decision;
  - c) An indication of the norms which have been violated;
  - d) The fine, and the accessory sanction;
  - e) The decision as regards costs.
2. The decision must also state that:
  - a) The sentence will become definitive and executable, if a judicial appeal is not submitted, in writing, with allegations and conclusions, within a period of 15 working days after becoming aware thereof, (and also) to the administrative authority which issued the fine;
  - b) In the case of judicial appeal, the court may take a decision at a hearing, or, if the accused and the Public Ministry do not oppose it, merely by making an order.
3. The decision must also contain an order to pay the fine and costs within a maximum period of 15 working days after the decision becomes definitive.
4. If the accused does not exercise his right to a defense, the motivations referred to in line b) of no. 1 may be made by simple reference to the police report.

### **Article 181 - Compliance with decision**

1. The fine and costs shall be paid within a period of 15 working days, counting from the date on which the decision became definitive, and payment shall be made in the manners prescribed in regulations.
2. If an accessory sanction has been applied, compliance therewith shall commence within the period set out in the previous number, in the following manner:
  - a) In the case of an effective prohibition against driving, by the delivery of the driver's license to the competent authority;
  - b) In the case of the seizure of the vehicle, by its effective delivery, as well as of its identification document and the property registration document, at the place indicated in the decision, or only by the delivery of the said documents, when the holder of the identification document was nominated as its trust depository;
  - c) In the case of another accessory sanction, by acting in accordance with the terms indicated in the sentencing decision.

### **Article 182 - Competency of the administrative entity, following decision**



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The discretionary authority of the administrative entity is extinguished on the taking of a decision, except:

- a) When an appeal against a sentencing judgment is presented, in which case the administrative entity may revoke the judgment until the relevant reports are sent to the Public Ministry;
- b) When an application is presented which does not dispute the merits of the decision but is restricted to requesting the suspension of the execution of the accessory sanction applied, in which case the administrative entity may alter the manner in which that sanction must be complied with.

### **Article 183 - Payment of fine in instalments**

1. Whenever the minimum amount of an applicable fine exceeds 10.000,00 Mt, the administrative authority may, on application by the accused, authorize its payment in monthly instalments of not less than 1.000,00 Mt, over a maximum period of 12 months.
2. The payment of the fine in instalments may be requested up until the remission of the matter to the court, for execution.
3. A failure to pay any instalment, implies the immediate falling due of the remaining installments.

## **CHAPTER III - Appeal**

### **Article 184 - Appeals**

Administrative decisions may be appealed against, to a competent court, in terms of general law.

### **Article 185 - Effects of appeal**

A judicial appeal against a decision to repeal a driver's license has suspensive effect.

## **CHAPTER IV - Final Provisions**

### **Article 186 - Prescription of proceedings**

Proceedings for road traffic offences are extinguished, by reason of prescription, as soon as one year has passed since the commission of the offence.

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## ANNEXURE 1 - Glossary

- a) **ANE** – the National Roads Administration (ANE) (*Administração Nacional de Estradas*);
- b) **Freeway** - public roadway intended for rapid transport, with physical separation of carriageways, having neither level intersections, nor access to properties located on its sides, with conditional accesses, and signposted as such;
- c) **Shoulder** - surface of a public roadway not especially intended for the transport of vehicles, and which is located on the side of the carriageway;
- d) **Rural roadway** - Public roadway especially intended for local transport in rural areas;
- e) **Driver's license** - document which qualifies its holder to drive vehicles falling in the categories or subcategories indicated thereon;
- f) **Convoy** - a train of vehicles which performs one determined transport;
- g) **CNV** – National Vehicle Council (*Conselho Nacional de Viação*)
- h) **Intersection** - place of the intersection of public roadways at the same level;
- i) **Centre line of a carriageway** - longitudinal line, built up or not, which divides a carriageway into two parts, one for each traffic direction;
- j) **Fourway crossing** - place at which there is a junction or bifurcation of public roadways;
- k) **Parking** – immobilization of a vehicle which does not constitute stopping, and which is not motivated by the circumstances of circulation;
- l) **Road** - overland communication route, especially intended for the movement of vehicles;
- m) **Carriageway** - the part of a public roadway especially intended for the movement of vehicles;
- n) **Change of direction of travel** – maneuver by way a driver places his vehicle in a direction opposite to that in which he has been travelling. .
- o) **INAV** – National Vehicle Institute (INAV) (*Instituto Nacional de Viação*)
- p) **Town** - an area with buildings, the limits of which are duly signposted;

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- q) **Seating** - the number of passengers which a vehicle may transport, including the driver;
- r) **Temporary Registration** – identification number allocated to vehicles in terms of a customs exemption regime.
- s) **Fine** – pecuniary sanction intended to punish the commission of a contravention of the Road Traffic Code;
- t) **Stopping** – immobilization of a vehicle for a the time strictly necessary for the entry and exist of passengers, or for brief loading and offloading operations, provided that the driver is ready to recommence his travel, and does so, whenever he is hindering the passage of other vehicles.
- u) **Parking lot** - area exclusively intended for the parking of vehicles;
- v) **Level crossing** – place of intersection, on the same level, of a public or equivalent road with railway lines or tracks;
- w) **Sidewalk** - area on the side of a carriageway, exclusively intended for the transport of pedestrians;
- x) **Gross weight** - the total of the tare weight and the weight which the vehicle may transport;
- y) **Platform** - part of the road located between the internal edges of the road's lateral gutters;
- z) **Special roadway** - Public roadway or lane especially intended, in accordance with signposting, for the transport of pedestrians, animals or certain types of vehicles;
- aa) **PT** – traffic police (PT) (*policia de trânsito*)
- bb) **Traffic circle** - plaza formed by an Intersection or fourway crossing, around which transport proceeds in a circular motion, and signposted as such;
- cc) **Street** - overland communication route, intended for traffic within an urban area;
- dd) **SADC** – Southern African Development Community;
- ee) **Direction of travel** – position of movement taken by a vehicle, on a public road;
- ff) **Public service** - activity of providing transport to third parties, for remuneration;
- gg) **Tare weight** - the weight of an empty vehicle;

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- hh) **Tractor** - automated vehicle exclusively constructed for the provision of traction force, without carrying payload;
- ii) **Agricultural tractor** - automated vehicle utilized exclusively for agricultural purposes;
- jj) **Traffic** – movement and immobilization of vehicles, persons and animals on road communication routes;
- kk) **Articulated vehicle** - vehicle consisting of a tractor and a semi-trailer;
- ll) **Public roadway** - overland communication route intended for public transport;
- mm) **Speed** – Distance travelled in a unit of time;
- nn) **Road equivalent to a public roadway** – privately owned overland communication route, open to public traffic.
- oo) **Lane** - longitudinal area of the carriageway, intended for the circulation of a single line of vehicles;
- pp) **Acceleration lane** - Lane resulting from the widening of the carriageway and intended to allow vehicles entering a public roadway to acquire the speed necessary to allow them to be incorporated into the principal flow of traffic;
- qq) **Deceleration lane** - Lane resulting from the widening of the carriageway and intended to allow vehicles which will exit a public roadway, to decrease speed when already outside of the principal flow of traffic.
- rr) **Road for rapid travel** – road equivalent to a freeway;
- ss) **Road reserved for automobiles and motorcycles** – roads equivalent to freeways.

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**ANNEXURE II - Traffic Agent Identification Card,  
referred to in no. 3 of Article 10 of the Road Traffic Code**

[CREST]	
REPUBLIC OF MOZAMBIQUE	PHOTOGRAPH
MINISTRY OF TRANSPORT AND COMMUNICATION	
NATIONAL VEHICLE INSTITUTE	
<b>ENFORCEMENT</b>	
Name	.....
Category	.....

The bearer of this card has authority to enforce compliance with the Road Traffic Act and other traffic legislation, on all communication routes.	
He has the right to use and bear arms for defense purposes, and to travel on collective transport without payment, when performing services. (Road Traffic Code, Article 10(3) and (4).)	
The bearer is the titleholder of driver's license no. ...., valid for the driving of vehicles in category .....	
Maputo, ..... / ..... 20 .....	
The Director	.....
The Titleholder	.....