

ROAD SAFETY CAPACITY BUILDING WORKSHOP

March 19, 21 and 22 - 2019)

Road Safety Legal Framework: context of Nepal

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Presentation content

□ Introduction

□ Road safety legal issues:

➤ **Review of existing provisions of Motor Vehicle and Transport Management Act, 1993 and Rules, 1997**

➤ **Road Safety Action, 2013**

□ Way forward: in the context of Federal Structure,

□ Proposed legal issues in Draft “Road Safety Act”

Theme: loss of life issue

During our workshop period:

➤ **Sad part of our**

- **More than 20 people would be killed on roads in Nepal!!**

➤ **Hope for:**

- **Better order, justice, change and peace in the society!**
- **We are a part of campaign for life saving issue!!**

Road traffic laws in UK

□ Present laws:

- [Road Traffic Act, 1972](#)
- [Highways Act 1980](#)
- [Road Traffic Regulation Act 1984](#)
- [Road Traffic Offenders Act 1988](#)
- [Traffic Signs Regulations and General Directions](#)
- [Highway Code](#)

□ History

- Locomotive Act, 1865
- The [Locomotives on Highways Act 1896](#)
- The [Motor Car Act 1903](#)
- The [Roads Act 1920](#)
- The [Road Traffic Act 1930](#)
- The [Road Traffic Act 1934](#)

Why laws?

- ❑ To keep the peace in a country,
- ❑ Shaping moral standards,
- ❑ Promotion of social justice,
- ❑ Facilitating orderly change,
- ❑ Providing a basis for compromise,
- ❑ Helping in facilitating a plans



Rule of Law: principle of governance



Legal Framework



Act

The Act is the formal, broad description of the law, setting out the key principles, duties, obligations and rights for each duty holder in relation to Work Health and Safety. It includes the power to create regulations.

An Act can only be amended by another Act of Parliament.

Regulations

Regulations support the Act, providing more detailed information about duties in relation to particular hazards, procedures and WHS obligations.

Regulations are still subject to Parliamentary scrutiny, but are more readily adaptable to changes or special circumstances than the Act.

Codes of practice

Codes of practice provide guidance to operators to meet their 'duty of care' responsibilities.

Codes of practice are not legally binding, but are admissible in Courts as evidence.

If duty holders choose not to follow a code of practice, they need to have a better system and provide justification.

Guidance material

Provides further guidance on complying with requirements under the Act and Regulations.

Contributes to overall knowledge of hazards, risks and controls, so duty holders understand what is reasonably practicable, and can choose options that best suit their circumstances.

Road safety legal framework

□ Context of federal system:

- Central/Federal law:
- State law
- Local level

□ Legal issues!!

- Uniformity issues!!
- Making more stringent standards on road safety for provincial/local authority

Related legal Issues

- Vehicle registration,**
- Driving licensing**
- Traffic singling,**
- Motor vehicle manufacturing standards,**
- Insurances**
- Criminal offences: reckless driving/drink & driving**
- Constitutional: right to healthcare & rehabilitation, emergency treatment,**
- Public health: post-crash interventions**
- Tort law**

Assessing the legal provision!!

- ❑ **Institutional assessment**
- ❑ **Review of national law and regulations**
- ❑ **Assess gaps in laws and regulations:**
 - **Inconsistency, non-compliances,**
- ❑ **Assess the Comprehensiveness of law and rules**
 - **Penalties, technology based**
 - **Trauma care**

Evolution of Road Safety:

❑ 1950-1960s: Phase I:

- **Emphasis on interventions to change behaviour, including laws and penalties**

❑ 1970 -1980s: Phase II:

- **Systematic framework: Haddon Matrix**

❑ Early 1990s: Phase III:

- **Setting target hierarchies and institutional leadership, intervention by monitoring and evaluation**

❑ Late 1990s: Phase IV:

- **Long-term elimination of serious crash-related injuries and fatalities (some countries have thought on 'Vision Zero'; 'Safe system' ; 'Sustainable safety' and etc.**

❑ Post 2000s: current :

- **System wide approach, multi-sectoral responsibilities, Investigation innovative solutions**

Aspects of Motor Vehicle Refutations

□ Vehicle,

**□ Road user: Driver, pedestrian,
Passengers others**

**□ Road infrastructure including
environment**

Basic aspects for legal framework

□ Drivers' offences

- Causing death/injury by *dangerous driving,*
- Causing death/injury by *careless driving*
- Causing death/injury by *unlicensed drivers,*
- Causing death/injury by *disqualified drivers'*
- Causing death/injury by *careless driving whiled under influence of drug or drink*

Traffic law: paradigm shift

- ❑ **General objectives: Road safety**
- ❑ **Specific purpose: Road Safety**
- ❑ **Special law: public concern/living standard, economic growth, development, of the service,**
- ❑ **Technology integration,**
- ❑ **Sustainability aspects**

Main Actor of the Road crash

□ How to develop a good driver?

- Education,
- Social behavior,
- General life/living standards
- Professional development
- Rules to promote the professional!!

Nepal Context

□ Drivers training:

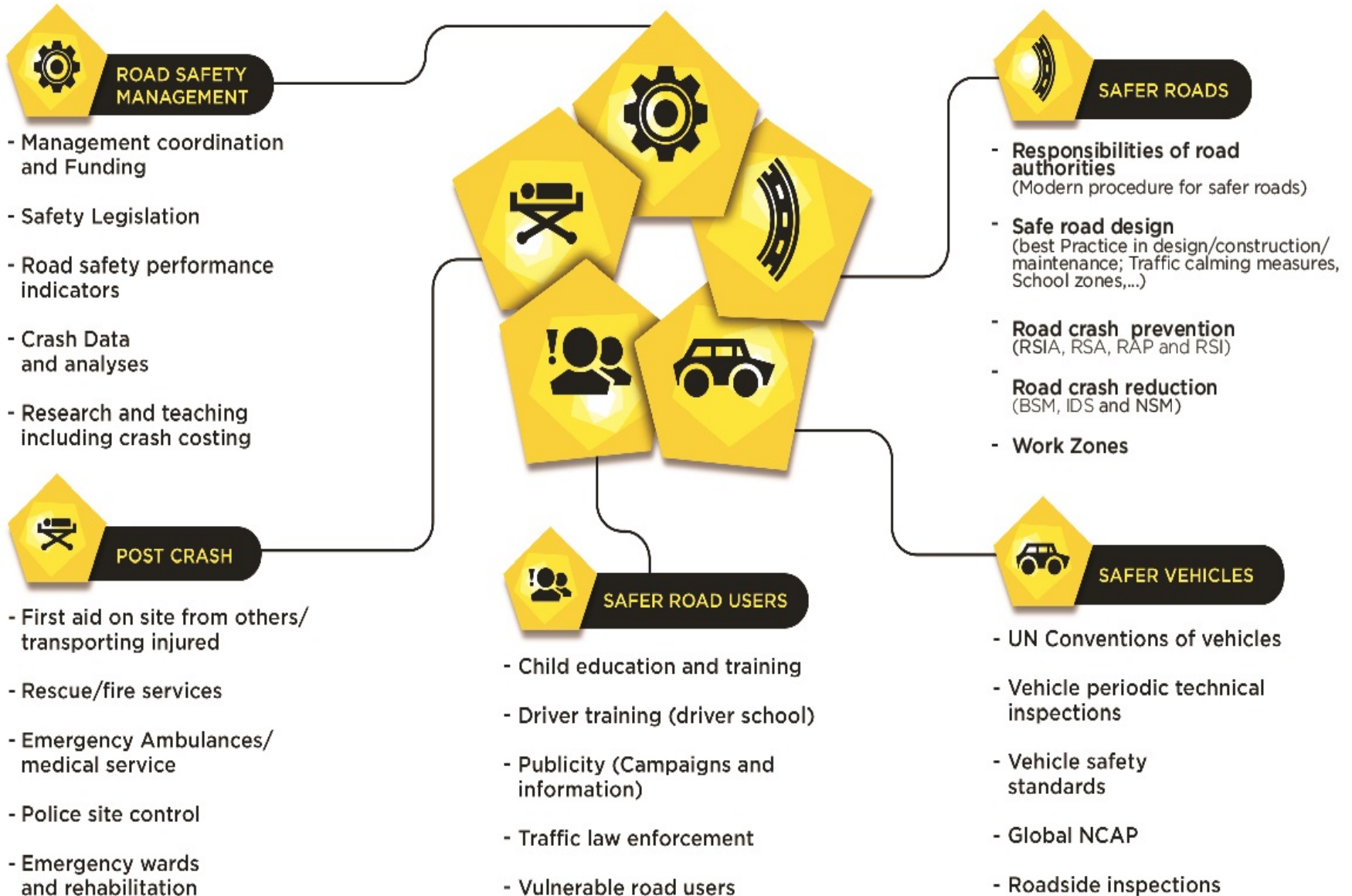
- Training institutes are regulated !!!
- Curriculum is defined;
- Examination for licensing
 - Ensuring the skill and knowledge,

Recent amendment in Law:

सूचना, सूचना, सूचना ।

केही नेपाल ऐनलाई संशोधन गर्न बनेको ऐन, २०७५ को दफा १२ ले सवारी तथा यातायात व्यवस्था ऐन, २०४९ को दफा ४८ को उपदफा (२) मा रहेका "र निजले चलाउन चाहेको सवारीको सम्बन्धमा प्रशिक्षण केन्द्रले दिएको प्रमाणपत्रको प्रतिलिपी" भन्ने शब्दहरू झिकेको हुँदा अब आईन्दा सवारी चालक अनुमतिपत्रका लागि आवेदन दिँदा दरखास्त साथ बुझाउनु पर्ने कागजातहरूमा सवारी चालक प्रशिक्षण केन्द्रको प्रमाणपत्रको प्रतिलिपी बुझाउन आवश्यक नभएको

Five Pillars: Make it possible



Road Safety Strategy: Nepal

□ Vision: Safe road-infrastructures and services backed with effective post-crash response and conducive environment resulting in little or no casualties from the RTAs.

Road Safety Strategy...

□ **Mission:**

- **To mitigate the loss of life, properties and economic loss from RTAs.**
- **To complement the broader mission of the National Strategy on the Prevention and Control of Violence, Injuries and Disabilities,**
- **To meet the targets of the UN Decade of Action.**
- **To provide a common framework for stakeholder agencies to implement the various interventions required to mitigate RTAs outcomes.**

Need of Lead Agency

□ National Road Safety Council

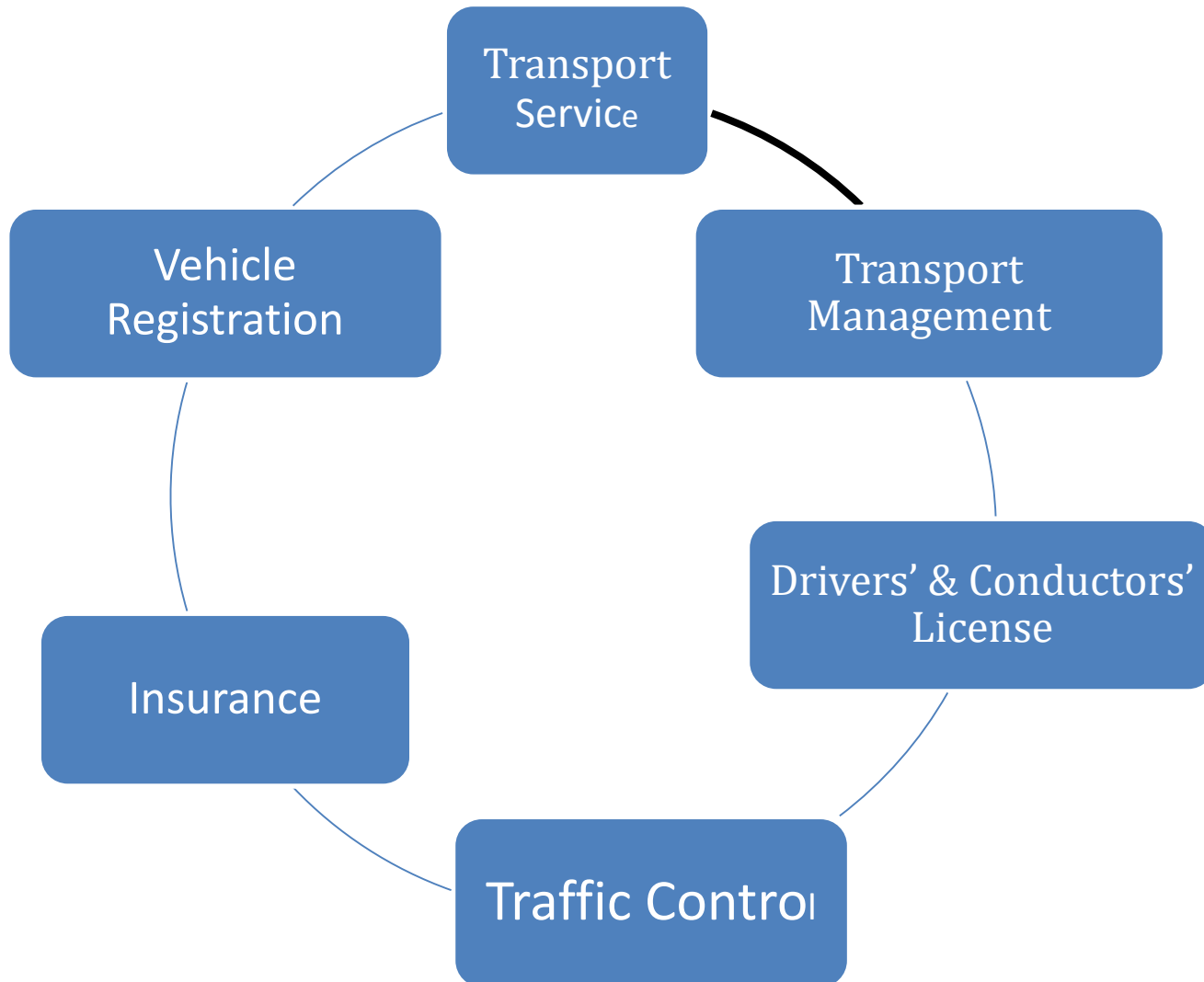
➤ Road Safety Act (Draft ...)

Existing Legal provisions: MVTMA, 1993

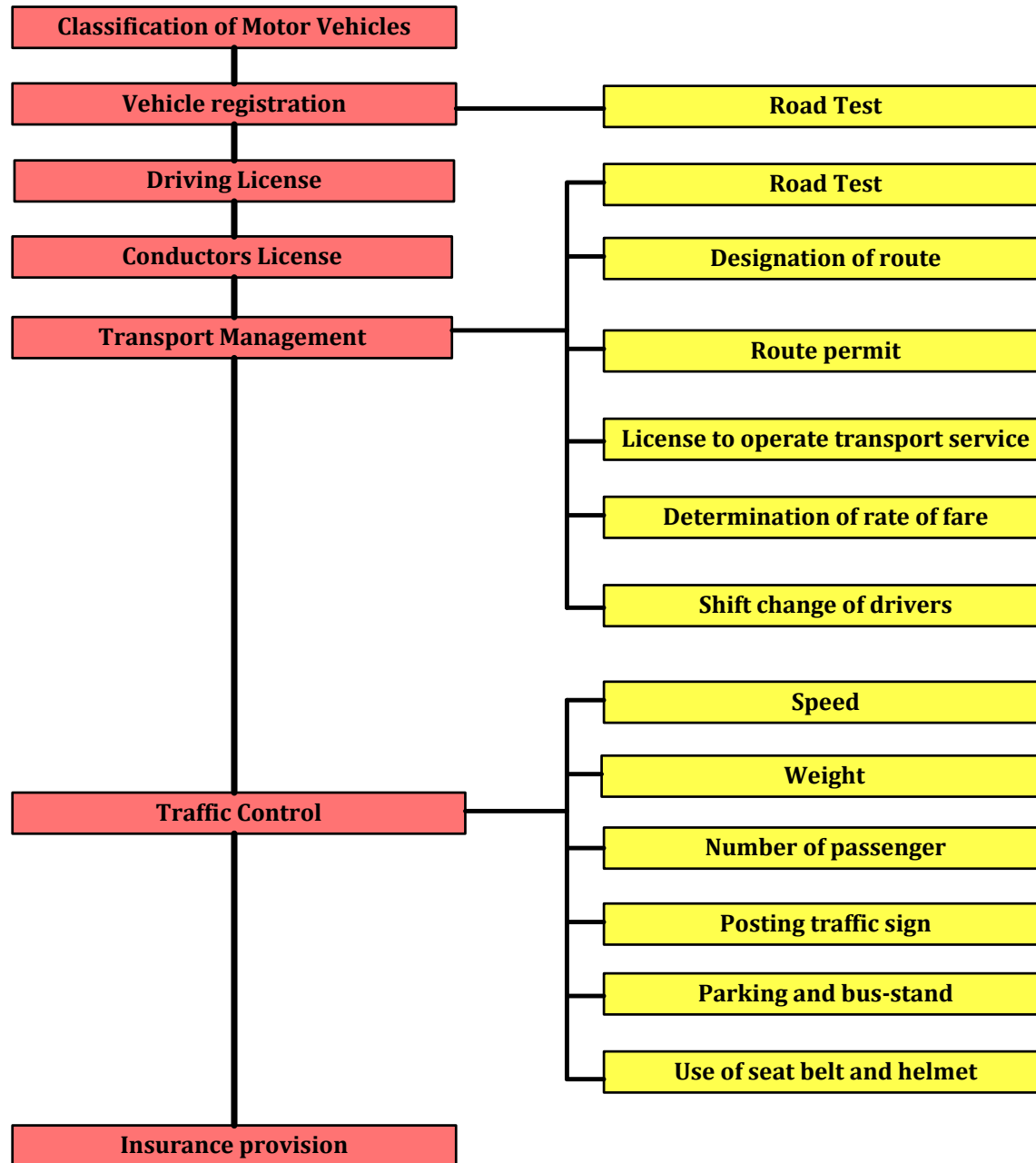
An Act Made To Provide for Motor Vehicle and Transport Management

Preamble: Whereas, it is expedient to make transportation services consolidated, efficient and effective with a view to preventing motor vehicle accidents, enabling the victims of accidents to have compensation, providing for insurance and making transportation facilities available to the public generally in a simple and easily accessible manner;

MVTMA, 1993



Transport Management: our context



Vehicle Registration...

- Vehicle entry registration
- Vehicle Registration and Renewal
- Road Worthiness certification**
- Transfer of registration (region & Ownership)
- Maintaining the vehicle records
- Permission for foreign vehicles to ply in Nepal
- Permission for Alteration
- Requires to develop and implement Safety standards before registration**

Driving license

- Driving Training Schools
- Driving licensing Examination
- Issuing Driving
- Renewal of License
- Recognition of Foreign license
- Add license of more categories
- Probation period
- Requirement for professional driving license

Insurance

□ Insurance is not been dealt except third party insurance system

➤ **Third Party Insurance**

➤ **Motor vehicle insurance**

➤ **Drivers, passengers, workers**

➤ **Insurance of passenger luggage**

➤ **Practically, not dealt**

□ Provision for the contribution in road safety funding

Traffic control

- Setting the speed
- limit the weight and number of passenger
- Posting, Displaying and affixing Traffic sign
- Determination of parking place and bus stand
- Monitoring by transport Inspector
- Public awareness

Transport management

- Route Approval
- Route Permit (issuing & renewal)
- Suspension and revocation
- Road Test
- License to operate transport service
- Determination fares
- Monitoring of provisions

Functions Duties & Power DoTM

- ❑ Policies for transport service,**
- ❑ Instruction to the transport service operators**
- ❑ Determination of routes**
- ❑ Prescribe subjects and method of driving licensing exam**
- ❑ License to operate training center, factory and workshop**

Way forward for Technology

- ❑ **Infrastructure and Capability to cope with BIG issues:**
 - **IT and database system on Vehicle, Driver, Routes and transport service**
 - **Embossed Number plate System**
- ❑ **Frequently change in priority and limitations DoTM is not in the capacity for attainment of the prime objective of the Act. “Road Safety”**

Proposed Road Safety Act

□ Why:

- **To coordinate and regulate the concerned bodies of the road traffic system**
 - by establishing a suitable institutional framework and legal provisions
- **to promote road safety through:**
 - safer road infrastructure,
 - safer vehicles,
 - safer road-users and transport services,
 - effective rescue, treatment and compensation of road accident victims,

Establishment of NRSC

- ❑ An Autonomous Body,**
- ❑ Formation of Council (Board)**
- ❑ Formation of Secretariat and Executive Director**
- ❑ Road Safety provisions**

Functions of NRSC

- Defining national road safety goals, targets, objectives, policy and strategies,
- Reviewing and updating road safety legal provisions,
- Coordinating,
- Road Crash database
- Promoting professional Capacity in RS,
- International Relations,
- Publishing awareness,
- Monitoring and evaluating road safety programs,

Functions of NRSC...

- ❑ Maintaining a road safety fund,**
- ❑ Instructing and monitoring the road safety related agencies for the effective implementation of road safety or traffic rules as prescribed by the prevailing laws,**
- ❑ Instituting the Road Crash Investigation Committee for carrying out investigation and study and considering the report thereafter,**

Provisions for Safer Road Infrastructures

- ❑ **Construction of safer roads, directives and standards approval by the Council:**
 - **Define targets,**
 - **Safety provisions during planning, designing, constructing and maintenance,**
 - **Road Safety Audits**
 - **Work-zone safety**
 - **Traffic signs and safety measures**
- ❑ **Coordination with Transport Management Agency for operation of transport service,**
- ❑ **Treatment and improvement of crash sites**
- ❑ **Others.**

Safer vehicle and transport management service provisions

- Develop and implement the safety standards and approval from Council:**
 - **Manufacturing and importing,**
 - **Modification**
 - **Requirements for vehicles and public transport service,**
 - **Vehicle Fitness and inspection requirements,**
- Route permit**
- Management of public transport service**
- Standards for workshop and factories,**
- Others.**

Road user education provisions

□ Driving licensing:

- road safety education in the Curriculum for driving license education
- Examination methods
- Reviewing the provisions of licensing
- Separate provisions for professional license

□ Provisions for public awareness by various agencies

Provisions for Post-crash response

- ❑ **Rescue and primary treatment provisions immediate after the crash**
- ❑ **Post-crash treatment**
 - **Ambulances service,**
 - **Health posts and trauma centers**
- ❑ **Health institutions are responsible for the treatment of injured and keep records,**

Insurance, compensation and rehabilitation

- ❑ Coordination with Transport management agencies and Insurance Board,**
- ❑ Developing directives for procedures for the compensation for victims and other legal formalities,**
- ❑ Preparing Policies and long term strategy for lifetime injured people for their rehabilitation**

Other provisions

- Road Accident database**
- Crash investigation committee**
- Crash study and research**
- Road Safety Auditors certification**

Way forward...

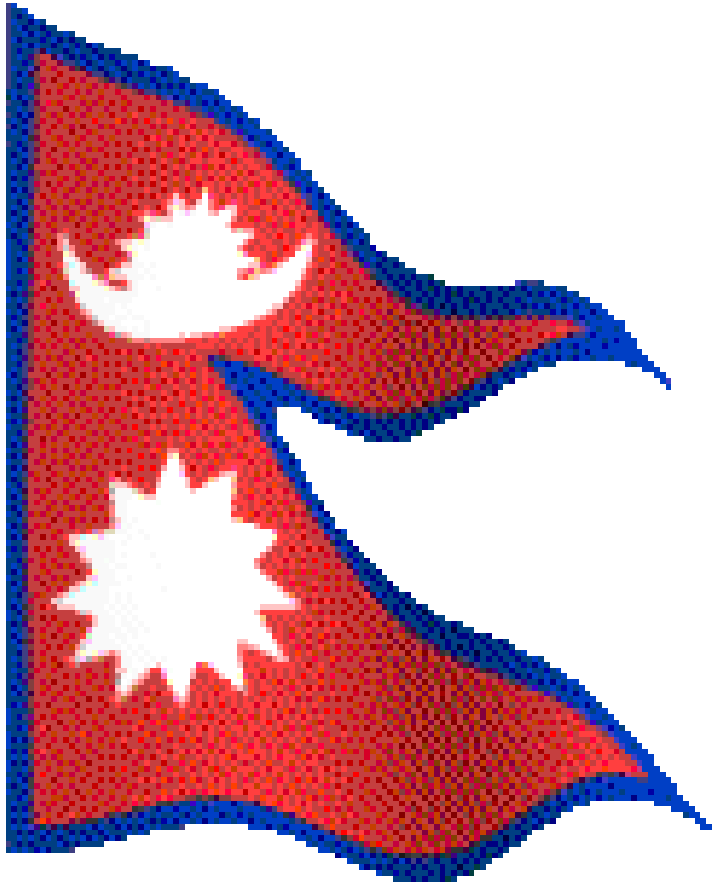
❑ Change the mindset:

- Road crash are unavoidable,
- It can be reduced
- We all (manager, operator and over all society) are responsible for loss

❑ Commitment from politics and decision makers:

- First start with the formation of dedicated institution
- Work for goals and objectives

❑ Work together (joint effort) for safety (a complex issue)



Thank You