

# **A COMPILATION OF THE NATIONAL ROAD TRAFFIC ACT, 1996**

**(ACT 93 OF 1996)(AS AMENDED)**

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Compilation of the National Road Traffic Act 93/1996  
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**THE NATIONAL ROAD TRAFFIC ACT, 1996 (ACT 93 OF 1996)  
AND REGULATIONS (AS AMENDED)  
IMPLEMENTED 1 AUGUST 2000**

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R.941	21569	22 September 2000
GNR.727		3 August 2001
R.726	22553	3 August 2001
R.2116	22736	5 October 2001
GNR.1249		30 November 2001
R.779	23484	4 June 2002
GNR.47		23 January 2003
GNR.148		24 January 2003
R.1341	25484	25 September 2003
	25541	7 October 2003
R.881	26598	23 July 2004
R.871	27999	2 September 2005
R.1066	28227	23 November 2005
R.1319	28258	2 December 2005
R.92	28446	7 April 2006
GN 809		3 August 2006
R.891	29195	4 September 2006
R.964	29260	29 September 2006
R.404	29865	4 May 2007
R.865	30295	28 September 2007
GN 942	30365	10 October 2007
GNR.152	30763	8 February 2008
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GNR.154	30763	8 February 2008
GNR.155	30763	8 February 2008
R.589	32258	27 May 2009
GNR.931	32592	23 September 2009
R.1111	32737	24 November 2009
GNR.1248	32834	28 December 2009
GN 133	32959	17 February 2010
GN 134	32959	17 February 2010
GNR.396	33181	12 May 2010
R.359	33168	12 May 2010
GN 533	33250	28 May 2010
GN 1011	33685	26 October 2010
R.60	33742	10 November 2010
R.1113	33796	25 November 2010 (REVOKED)
R.53	33980	1 February 2011
R.66	33992	4 February 2011
R.118	34065	2 March 2011
GN 291	34292	16 May 2011
GN 310	34316	25 May 2011
GN 328	34340	31 May 2011
GN 329	34340	31 May 2011
R.541	34407	29 June 2011
GNR.776	34621	20 September 2011
R.1026	34831	9 December 2011
R.191	35106	5 March 2012
R.209	35130	9 March 2012
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## ARRANGEMENTS OF SECTIONS

The Act is used as a basis for the document. Regulations relevant to the Act are included after the sections of the Act.

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<b>CHAPTER II</b> Application of Act and minimum requirements	<b>CHAPTER IX</b> Road traffic signs and general speed limit
<b>CHAPTER III</b> Registering and licensing of motor vehicles and registering of manufacturers, builders, importers and manufacturers of number plates	<b>CHAPTER X</b> Accidents and accident reports
<b>CHAPTER IV</b> Fitness of drivers	<b>CHAPTER XI</b> Reckless or negligent driving, inconsiderate driving, driving while under the influence of intoxicating liquor or a drug having a narcotic effect, and miscellaneous offences
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# CHAPTER 1

## INTERPRETATION OF ACT

### DEFINITIONS - ACT

#### Sec 1. Definitions (own numbering)

In this, unless the context otherwise indicates—

- (1) **“ambulance”** means a motor vehicle specially constructed or adapted for the conveyance of sick or injured persons to or from a place for medical treatment and which is registered as an ambulance;
- (2) **“articulated motor vehicle”** means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;
- (3) **“authorised officer”** means an inspector of licences, an examiner of vehicles, an examiner for driving licences, a traffic warden or a traffic officer, and also any other person declared by the Minister by regulation to be an authorised officer;
- (4) **“breakdown vehicle”** means a motor vehicle designed or adapted solely for the purpose of recovering or salvaging motor vehicles and which is registered as a breakdown vehicle;
- (5) **“bridge”** includes a culvert and a causeway;
- (6) **“builder”** means any person who manufactures or assembles motor vehicles in whole or in part from used components, or modifies motor vehicles using new or used components;
- (7) **“bus”** means a motor vehicle designed or adapted for the conveyance of more than 16 persons (including the driver, if any);
- (8) **“by-law”** means a by-law issued under section 133;
- (9) **“certification of roadworthiness”**, in relation to a motor vehicle, means certification of roadworthiness in terms of section 42;
- (10) **“chief executive officer”** means the chief executive officer of the Corporation appointed in terms of section 15 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999);
- (11) **“combination of motor vehicles”** means two or more motor vehicles coupled together;
- (12) **“Convention”** means the International Convention relative to Motor Traffic (Paris, 1926), the United Nations Convention on Road Traffic (Geneva, 1949), or the United Nations Convention on Road Traffic (Vienna, 1968);
- (13) **“Corporation”** means the Road Traffic Management Corporation, established by section 3 of the Road Traffic Management Corporation Act, 1999;
- (14) **“cross”**, or any like expression, means to move on a public road in a direction which intersects the normal course of travel of traffic on such road;
- (15) **“dangerous goods”** means the commodities, substances and goods listed in the standard specification of the South African Bureau of Standards SABS 0228 “The identification and classification of dangerous substances and goods”;
- (16) **“Department”** means the Department of Transport;
- (17) **“department of State”** means a department as defined in section 1 (1) of the Public Service Act, 1994 (Proclamation No. 103 of 1994);
- (18) **“Director-General”** means the Director-General: Transport;

- (19) **“driver”** means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads any draught, pack or saddle animal or herd or flock of animals, and “drive” or any like word has a corresponding meaning;
- (20) **“driving licence”** means a driving licence referred to in Chapter IV;
- (21) **“driving licence testing centre”** means a driving licence testing centre referred to in Chapter IV;
- (22) **“edge of the roadway”** means the boundary between the roadway and the shoulder, which is indicated by an appropriate road traffic sign, or in the absence of such sign—
  - (a) in the case of a road with a bituminous or concrete surface, the edge of such surface; or
  - (b) in the case of any other road, the edge of the improved part of the road intended for vehicular use;
- (23) **“examiner for driving licences”** means an examiner for driving licences appointed and registered in terms of sections 3A and 3C, respectively;
- (24) **“examiner of vehicles”** means an examiner of vehicles appointed and registered in terms of sections 3A and 3C, respectively;
- (25) **“fire-fighting vehicle”** means a motor vehicle designed or adapted solely or mainly for fighting fires and which is registered as a fire-fighting vehicle;
- (26) **“freeway”** means a public road or a section of a public road which has been designated as a freeway by an appropriate road traffic sign;
- (27) **“goods”** means any movable property;
- (28) **“gross combination mass”**, in relation to a motor vehicle which is used to draw any other motor vehicle, means the maximum mass of any combination of motor vehicles, including the drawing vehicle, and load as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;
- (29) **“gross vehicle mass”**, in relation to a motor vehicle, means the maximum mass of such vehicle and its load as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;
- (30) **“haulage tractor”** means a motor vehicle, designed or adapted mainly for drawing other vehicles, and with a gross combination mass exceeding 24 000 kg, but does not include a truck-tractor or tractor;
- (31) **“identity document”** means an identity document as defined in section 1 of the Identification Act, 1986 (Act No. 72 of 1986);
- (32) **“importer”** means any person who imports new or used motor vehicles into the Republic;
- (33) **“inspector of licences”** means an inspector of licences appointed and registered in terms of sections 3A and 3C, respectively;
- (34) **“instructor”** means any person who for direct reward—
  - (a) instructs any other person in the driving of a motor vehicle;
  - (b) teaches any other person the rules of the road or road traffic signs in order to obtain a learner’s or a driver’s licence;
- (35) **“international driving permit”** means an international driving permit issued in terms of a Convention or recognised thereunder;
- (36) **“kerb line”** means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge;
- (37) **“learner’s licence”** means a learner’s licence referred to in Chapter IV;



- (38) **“local authority”** means a transitional metropolitan substructure, transitional local council or local government body contemplated in section 1 (1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993);
- (39) **“manufacturer”** means a person who manufactures or assembles new motor vehicles;
- (40) **“manufacturer of number plates”** means a person who, for the purpose of selling number plates, manufactures number plates;
- (41) **“MEC”** means a member of the Executive Council appointed in terms of section 132 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and who is responsible for road traffic matters, or any other person authorised by him or her to exercise any power or perform any duty or function which such MEC is empowered or obliged to exercise or perform in terms of this Act;
- (42) **“medical practitioner”** means any person registered as such in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
- (43) **“Minister”** means the Minister of Transport, or any other person authorised by him or her to exercise any power or perform any duty or function which such Minister is empowered or obliged to exercise or perform in terms of this Act;
- (44) **“motor cycle”** means a motor vehicle which has two wheels and includes any such vehicle having a side-car attached;
- (45) **“motor dealer”** means any person who is engaged in the business of buying, selling, exchanging or repairing motor vehicles required to be registered and licensed in terms of this Act or of building permanent structures onto such vehicles and who complies with the prescribed conditions;
- (46) **“motor quadrucycle”** means a motor vehicle, other than a tractor, which has four wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- (47) **“motor tricycle”** means a motor vehicle, other than a motor cycle or a tractor, which has three wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;
- (48) **“motor vehicle”** means any self-propelled vehicle and includes—
  - (a) a trailer; and
  - (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include—
    - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
    - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;
- (49) **“number plate”** means a prescribed plate on which the licence number of a motor vehicle or motor trade number is displayed;
- (50) **“operate on a public road”** or any like expression, in relation to a vehicle, means to use or drive a vehicle or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;
- (51) **“operator”** means the person responsible for the use of a motor vehicle of any class contemplated in Chapter VI, and who has been registered as the operator of such vehicle;
- (52) **“owner”**, in relation to a vehicle, means—

- (a) the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;
  - (b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a); or
  - (c) a motor dealer who is in possession of a vehicle for the purpose of sale,
- and who is licensed as such or obliged to be licensed in accordance with the regulations made under section 4, and 'owned' or any like word has a corresponding meaning;
- (53) **"park"** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;
  - (54) **"peace officer"** means a traffic officer and also a traffic warden appointed in terms of section 3A;
  - (55) **"pedal cycle"** means any bicycle or tricycle designed for propulsion solely by means of human power;
  - (56) **"prescribe"** means prescribe by regulation;
  - (57) **"prescribed territory"** means—
    - (a) the Kingdom of Lesotho, the Kingdom of Swaziland, the Republic of Angola, the Republic of Botswana, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of Zambia and the Republic of Zimbabwe; and
    - (b) any other state or territory declared by the Minister by notice in the *Gazette* to be a prescribed territory;
  - (58) **"professional driver"** means the driver of a motor vehicle referred to in section 32;
  - (59) **"professional driving permit"** means a professional driving permit referred to in Chapter IV;
  - (60) **"province"** means a province referred to in section 103 of the Constitution of the Republic of South Africa, 1996;
  - (61) **"public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—
    - (a) the verge of any such road, street or thoroughfare;
    - (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
    - (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;
  - (62) **"registering authority"** means a registering authority appointed as such in accordance with section 3;
  - (63) **"registration plate"** (deleted)
  - (64) **"regulation"** means a regulation under this Act;
  - (65) **"repealed ordinance"** means an ordinance or any provision of an ordinance repealed by the Road Traffic Act, 1989 (Act No. 29 of 1989);
  - (66) **"rescue vehicle"** means a motor vehicle designed or adapted solely for the purpose of rescuing persons, and which is owned or controlled by a department of State, a local authority or a body approved by the MEC concerned and is registered as a rescue vehicle;

- (67) **“reserve traffic officer”** means a person who complies with the requirements of section 3D and is registered as a traffic officer in terms of section 3C or any person who is a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a reserve traffic officer by the chief executive officer or the MEC, as the case may be, on a temporary basis for a specific period;
- (68) **“reserve traffic warden”** means a person who has been declared a peace officer by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a reserve traffic warden by the chief executive officer or the MEC, as the case may be, on a temporary basis for a specific period;
- (69) **“road traffic ordinance”** means the Road Traffic Ordinance, 1966 (Ordinance No. 21 of 1966), of the former Transvaal, Natal, the Orange Free State and the Cape of Good Hope, respectively;
- (70) **“road traffic sign”** means a road traffic sign prescribed under section 56;
- (71) **“roadway”** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway;
- (72) **“roadworthy”**, in relation to a vehicle, means a vehicle which complies with the relevant provisions of this Act and is otherwise in a fit condition to be operated on a public road;
- (73) **“roadworthy certificate”**, in relation to a motor vehicle, means a certificate issued in terms of section 42;
- (74) **“semi-trailer”** means a trailer having no front axle and so designed that at least 15 per cent of its tare is super-imposed on and borne by a vehicle drawing such trailer;
- (75) **“Shareholder Committee”** means the Shareholders Committee established by section 6 of the Road Traffic Management Corporation Act, 1999
- (76) **“shoulder”** means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;
- (77) **“sidewalk”** means that portion of a verge intended for the exclusive use of pedestrians;
- (78) **“South African Bureau of Standards”** means the South African Buro of Standards referred to in section 2 (1) of the Standards Act, 1993 (Act No. 29 of 1993);
- (79) **“stop”** means the bringing to a standstill of a vehicle by the driver thereof;
- (80) **“tare”**, in relation to a motor vehicle, means the mass of such vehicle ready to travel on a road and includes the mass of—
- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
  - (b) anything which is a permanent part of the structure of such vehicle;
  - (c) anything attached to such vehicle so as to form a structural alteration of a permanent nature; and
  - (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of—
    - (i) fuel; and
    - (ii) anything attached to such vehicle which is not of the nature referred to in paragraph (b) or (c);
- (81) **“testing station”** means a testing station registered in terms of section 39;
- (82) **“this Act”** includes the regulations;
- (83) **“title holder”**, in relation to a vehicle, means—

- (a) the person who has to give permission for the alienation of that vehicle in terms of a contractual agreement with the owner of such vehicle; or
  - (b) the person who has the right to alienate that vehicle in terms of the common law, and who is registered as such in accordance with the regulations under section 4;
- (84) **“tractor”** means a motor vehicle designed or adapted mainly for drawing other vehicles and with a gross combination mass not exceeding 24 000 kg, but does not include a truck-tractor;
- (85) **“traffic officer”** means a traffic officer appointed in terms of section 3A, and any member of the Service, and any member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), and for the purposes of Chapters V, IX and X and sections 74 and 78 of this Act includes a peace officer;
- (86) **“traffic warden”** means a person who has been declared by the Minister of Justice to be a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a traffic warden by the chief executive officer, the MEC or another competent authority to appoint a traffic warden, as the case may be; and
- (87) **“trailer”** means a vehicle which is not self-propelled and which is designed or adapted to be drawn by a motor vehicle, but does not include a side-car attached to a motor cycle;
- (88) **“Transnet Limited”** means the company floated and incorporated in terms of section 2 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);
- (89) **“truck-tractor”** means a motor vehicle designed or adapted—
  - (a) for drawing other vehicles; and
  - (b) not to carry any load other than that imposed by a semi-trailer or by ballast, but does not include a tractor or a haulage tractor;
- (90) **“urban area”** means that portion of the area of jurisdiction of a local authority which has by actual survey been subdivided into erven or is surrounded by surveyed erven, and includes the public roads abutting thereon;
- (91) **“vehicle”** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and
- (92) **“verge”** means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

## DEFINITIONS - REGULATIONS

### *Definitions*

**Reg 1.** *In these regulations, an expression that has been defined in the Act has that meaning and, unless the context indicates otherwise—*

*"acceptable identification" means—*

- (a) in the case of a person, a temporary identity certificate, an identity document or identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997);*
- (b) in the case of a person, a valid South African passport issued to a South African citizen;*
- (c) in the case of a person not permanently resident in the Republic, an identity document issued by a foreign country or a traffic register number certificate issued in terms of regulation 335;*
- (d) in the case of—*
  - (i) a company, a certificate of incorporation or name change issued in terms of the Companies Act, 1973 (Act No. 61 of 1973); or*
  - (ii) a close corporation, a founding statement or a certificate of name change issued in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);*
- (e) in the case of—*
  - (i) a person carrying on a business which, for the purposes of this definition, includes farming activities; or*
  - (ii) a body of persons not referred to in paragraph (d),*  
*a traffic register number certificate issued in terms of regulation 335;*
- (f) in the case of a person, a driving licence card issued in terms of regulation 108; or*
- (g) for the purposes of the identification of a person with an application in terms of regulation 8, 24 or 139 or for the purposes of the identification of a person carrying on a business and its proxy and representative, an original certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e):*

*Provided that if an application, which is required to be accompanied by acceptable identification, in terms of the Act is made to a registering authority, driving licence testing centre or testing station, such application shall also be accompanied by a copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) for record and filing purposes: Provided further that the registering authority, driving licence testing centre or testing station concerned shall return the certificate or document referred to in paragraph (a), (b), (c), (d), (e), (f) or (g) to the applicant after the identity of the applicant has been verified;*

*"adaptor dolly" means a semi-trailer with one or more axles, designed or adapted—*

- (a) to be attached between a truck-tractor and semi-trailer; and*
- (b) not to carry any load other than that imposed by a semi-trailer;*

*“air suspension” in relation to an axle unit of a motor vehicle means a method of providing an upward force on an axle in an axle unit which transmits a downward force to the remaining axle or axles in the axle unit, by pneumatic means;*

#### **ANTI-BURST STABILIZER DEVICE**

The definition of “vehicle directional stability” replaces the definition of “anti-burst stabiliser device”. Provision not in force yet [See Regulation 212 (o)]

*“appropriate registering authority” means—*

- (a) *subject to the provisions of paragraphs (b), (c) and (d), in relation to any matter referred to in these regulations—*
  - (i) *in relation to a person, the registering authority in whose area of jurisdiction such person permanently resides;*
  - (ii) *in relation to a person carrying on a business, which for the purposes of these regulations includes farming activities, the registering authority in whose area of jurisdiction such business is situated: Provided that every branch of such business shall be deemed to be a separate business;*
  - (iii) *in relation to a body of persons which has a fixed address, the registering authority in whose area of jurisdiction such address is: Provided that every branch of such body shall be deemed to be a separate body of persons; or*
  - (iv) *in relation to a body of persons which does not have a fixed address, the registering authority in whose area of jurisdiction the proxy or representative of such body permanently resides: Provided that every branch of such body shall be deemed to be a separate body of persons;*
- (b) *in relation to the registration of a motor vehicle—*
  - (i) *subject to the provisions of items (ii), (iii), (iv), (v), (vi) and (vii), the appropriate registering authority of the title holder, and in the case of an application for a registration certificate as contemplated in regulation 16, the appropriate registering authority of the title holder or owner, whatever the case may be;*
  - (ii) *if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, until that manufacturer or importer records on the register of motor vehicles that the motor vehicle concerned is released for sale;*
  - (iii) *of which the title holder is a department of State which has been appointed as a registering authority, such department of State;*
  - (iv) *of which the title holder is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons determined by the Minister of Foreign Affairs, the Department of Foreign Affairs;*
  - (v) *of which the title holder does not permanently reside in the Republic, the appropriate registering authority of the owner;*
  - (vi) *the appropriate registering authority of the owner; or*
  - (vii) *the appropriate registering authority of the motor dealer or seller;*

- (c) *in relation to the licensing of a motor vehicle—*
  - (i) *subject to the provisions of subparagraphs (ii) and (iii), the appropriate registering authority of the owner;*
  - (ii) *of which the owner is a department of State which has been appointed as a registering authority, such department of State; or*
  - (iii) *of which the owner is a foreign government, diplomat representing a foreign country, international or intergovernmental organisation or any person or class of persons as determined by the Minister of Foreign Affairs, the Department of Foreign Affairs;*
- (d) *in relation to any other matter and in any circumstances not provided for in the foregoing, the registering authority nominated by the MEC concerned;*

**“approval mark”** means—

- (a) *the approval mark of the Economic Commission for Europe denoted by the mark ‘E’;*
- (b) *the approval mark of the European Economic Committee denoted by the mark ‘e’; or*
- (c) *any other approval mark referred to in a specification, code of practice or any directive having standardisation as its aim, and issued by a national institution or organisation outside the Republic for a purpose similar to that for which a certification mark has been established;*

**“approved”** means approved by the chief executive officer by notice in the Gazette;

**“axle”** in relation to a vehicle, means a device or set of devices, whether continuous across the width of the vehicle or not, about which the wheels of the vehicle rotate and which is so placed that, when the vehicle is travelling straight ahead, the vertical centre-lines of such wheels would be in one vertical plane at right angles to the longitudinal centre-line of such vehicle;

**“axle-massload”** the sum of the wheel massload of all wheels on an axle;

**“axle unit”**, in relation to a vehicle, means—

- (a) *a set of two or more parallel axles of such vehicle which are so interconnected as to form a unit; and*
- (b) *for the purpose of the definition of “wheelbase” and Parts III and IV of Chapter VI, in the case of a trailer, two or more axles, whether interconnected or not, where the distance between adjacent axles is less than one comma two metres;*

**“body builder”** is a sub-category of builder, and means a person who builds new bodies , or modifies existing bodies on chassis and chassis-cabs , and who is registered as a builder of new vehicles or bodies, or imports new buses, midibuses or minibuses complete with bodies , and is registered as an importer;

**“body of persons”**, in relation to the title holder or owner of a motor vehicle means, a body of persons whether a body corporate or not, and includes—

- (a) *two or more persons who are joint title holders or owners of such motor vehicle, excluding joint title holders or owners who are husband and wife married in community of property; and*
- (b) *a department of State;*

**“bus rapid transport system”** means a network of rapid transport lanes and other designated formal routes as well as related dedicated loading facilities which are designed for the use of rapid transport buses, rapid transport bus-trains and rapid transport feeder buses or midibuses which is monitored by a control centre;

**“bus-train”** means a bus which—

- (a) consists of two sections connected to form a unit;
- (b) can swivel in a horizontal plane at the connection between such sections;
- (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
- (d) has a continuous passageway over the length thereof;

**“caravan”** means an enclosed vehicle which is designed or adapted solely to live in [and which is drawn by another vehicle];

**“centre-line of an axle unit”** (or any like expression), means a line midway between the centre-lines of the extreme axles of an axle unit;

**“certificate of compliance”** means a certificate issued by the inspectorate of manufacturers, builders and importers, to any motor vehicles to complying with the requirements of this Act.

**“certification mark”** means a certification mark as defined in section 1 of the Standards Act, 1993 (Act No. 29 of 1993);

**“certification of roadworthiness”** means certification of roadworthiness issued in terms of regulation 141(2);

**“converter dolly”** means a trailer which has one or more axles and, when used in combination with a semi-trailer, converts the semi-trailer into a trailer;

**“convoy of motor vehicles”** means six or more motor vehicles which are operated in a group on a public road;

**“date of liability for first licensing”** means the date on which liability for the licensing of the motor vehicle concerned arose for the first time whether in the Republic or in any other country. In the absence of such a date, the date on which the motor vehicle concerned was registered for the first time shall be considered to be the date of liability for first licensing.

**“daytime running lamp”** means a lamp facing forward which is used to make the vehicle more easily visible in the period between sunrise and sunset;

**“dedicated lane”** means a portion of the public road reserved during certain period for the exclusive use of a certain categories of motor vehicles, the use and the categories of vehicles of which are prescribed by an appropriate sign;

**“direction indicator”** means a device fitted to a motor vehicle for the purpose of enabling the driver of such motor vehicle to intimate his or her intention to change the direction of travel of such motor vehicle to the right or to the left;

**“drawing”** means drawing a vehicle designed or adapted solely for the purpose of being drawn, by a motor vehicle that is designed or adapted solely for the purpose of drawing such vehicle;

**“driving licence card”** means a driving licence card issued in terms of regulation



108(3);

*"driving time" means any period of time that the driver of a motor vehicle contemplated in the regulations occupies the drivers' seat of such motor vehicle, whilst such motor vehicle is being operated on a public road or occupies the drivers' seat of such motor vehicle, whilst the engine is running;*

*"emergency brake" means a brake, other than a service brake, which can stop a vehicle;*

*"emergency exit" means any doorway, emergency window, escape hatch or other opening designed or constructed solely to be used as an exit in an event of an emergency;*

*"emergency vehicle" means a fire-fighting vehicle, rescue vehicle, ambulance, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service or a member of a municipal police service, both as defined in the South African Police Service Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties, and a vehicle driven by a person engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977);*

*"emergency window" means a window capable of being opened from inside and outside, and which is not necessarily glazed, and intended to be used as an emergency exit in an event of an accident;*

*"escape hatch" means an opening in the roof or on the floor intended to be used as an emergency exit;*

*external road traffic register user" means a person who carries on a business and who has been registered in terms of regulation 64B;*

*"front end", in relation to—*

- (a) a vehicle, other than a semi-trailer, means that part of the vehicle which projects furthest forward; or*
- (b) a semi-trailer, means a line running parallel with the centre-line of the king-pin and connecting the sides of the semi-trailer at the widest and furthest point in front of the king-pin;*

*"front overhang", in relation to a vehicle means that portion of the vehicle, excluding any drawbar or coupling, which projects in front of the centre-line of the front axle or the foremost axle of the front axle unit or, if such vehicle has only one axle, which projects in front of the centre-line of that axle, or in the case of a semi-trailer, which projects in front of the centre-line of the kingpin: Provided that any portion of a semi-trailer which projects in front of its front end or anything attached to a semi-trailer in front of its front end and which is within an area formed by drawing, with the king-pin as centre, an arc connecting the extreme points of the front end of the semi-trailer, shall not be deemed to be part of the front overhang of such semi-trailer;*

*"goods vehicle" means a motor vehicle, other than a motor cycle, motor tricycle, motor quadrucycle, motor car, mini-bus or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, adaptor dolly, converter dolly and breakdown vehicle;*

*"gross axle massload", in relation to a motor vehicle, means the maximum massload of a particular axle of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;*

**“gross axle unit massload”**, in relation to a motor vehicle, means a maximum massload of a particular axle unit of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;

**“interconnected”** means, for the purpose of the definition of “axle unit”, the design is such that an upward force on one axle in an axle unit transmits a downward force to the remaining axle or axles in the axle unit;

**“intersection”** means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

**“junction”** means that portion of an intersection contained within the prolongation of the lateral limits of the intersecting roadways and include any portion of the roadway between such lateral limits, and any stop or yield line marking which is painted at such intersection;

**“knock-out window or panel”** means a window or panel capable of being knocked out in cases of an emergency and complies with the requirements of regulation 252;

**“licence disc”** means a disc issued in terms of regulation 25;

**“licence number”** means a number as referred to in regulation 27(3);

**“longitudinal centre-line”** in relation to a vehicle, means a line midway between the centre-lines of the extreme outer wheels fitted to the axles of such vehicle;

**“microdot”** means a micro-particle with a diameter smaller than 1.8 mm, which bears a unique optically readable microdot identifier of which the content and structure complies with SANS 534-1; and is legible with equipment that magnifies the text 60 times;

**“midibus”** means a sub-category of a bus, designed or modified solely or principally for the conveyance of more than 16 and not more than 35 persons (including the driver);

**“minibus”** means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, including the driver;

**“modify”** means-

- (a) fitting a bus body or goods body to any chassis;
- (b) altering the number of passenger seats on a motor vehicle or altering the dimension of a motor vehicle;
- (c) altering the wheelbase of a motor vehicle, unless the motor vehicle is designed to enable the wheelbase to be altered;
- (d) altering the axle or axle-unit position or number of axles;
- (e) altering a motor vehicle in such a manner that the tare of such motor vehicle changes;

**“motor car”** means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle designed or adapted solely or principally for the conveyance of not more than nine persons, including the driver;

**“motor home”** means an enclosed motor vehicle which is designed or adapted solely to live in and which is self-propelled; and

**“motor trade number”** means a motor trade number contemplated in regulation 69;

**“motor trade number licence disc”** means the disc issued in terms of regulation 76;

**“motor trade number registration certificate”** means the certificate referred to in regulation 72;

**“motor transport contractor”** means a person who carries on a business of delivering motor vehicles of which he or she is not the owner;

**“motor vehicle licence”** means a licence referred to in regulation 25;

**“National Traffic Information System”** means the computerised National Traffic Information System that is used as a register that supports the National Road Traffic Act, 1996 (Act No. 93 of 1996) and Regulations also known as the NaTIS and include but is not limited to the

- register of authorised officers,
- register of motor vehicles,
- register of manufacturers, builders and importers,
- register of motor trade numbers,
- register of temporary and special permits,
- register of external road traffic register users,
- register of instructors,
- register of driving licence testing centres,
- register of driving licences,
- register of driving licence appointments,
- register of professional driving permits,
- register of testing stations,
- register of operators,
- register of contraventions,
- register of accidents and
- register of traffic register numbers.

**“NaTIS officer”** means a person who has been registered in terms of regulation 1D;

**“NLTTA”** means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000); as it relates to public transport with specific reference to "minibus taxi type services" as defined; and

**“occupational health practitioner”** means an occupational health practitioner as defined in the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), who has successfully completed a health assessment course and was duly accredited to perform the functions of an occupational health practitioner;

**“operating licence”** means an operating licence issued in terms of the NLTTA;

**“overall length”**, in relation to a vehicle, means the distance between the front end and the rear end of the vehicle and, in relation to a combination of vehicles, the distance between the front end of the leading vehicle and the rear end of the rearmost vehicle;

**“overall height”** in relation to a vehicle, means the distance measured from ground level to the highest part of—

- (a) any part of such vehicle; or
- (b) any load thereon,

whichever part is the highest but, in the case of a vehicle driven by electrical power, the overall height should not include any overhead electrical contacting gear or catwalk protruding above such vehicle;

**“overall width”** in relation to a vehicle, means the width measured between two planes parallel to the longitudinal centre-line of the vehicle and passing through the extreme

projecting points on either side of such vehicle, excluding any side mirror or direction indicator or 30 millimetres on either side in respect of the fitment or air deflectors, reflectors or dangerous goods placards;

**“overrun brake”**, in relation to a trailer means a braking system actuated by a device fitted to the drawbar of the trailer when a force is exerted on such device by reason of the inertia of the trailer;

**“parking brake”** means a brake, normally a hand brake, used in the ordinary course of events to keep a vehicle stationary;

**“pedestrian crossing”** means—

- (a) any portion of a public road designated as a pedestrian crossing by an appropriate road traffic sign; or
- (b) that portion of a public road at an intersection included within the prolongation or connection of the kerb line and adjacent boundary line of such road, when no pedestrian crossing has been designated by appropriate road traffic sign;

**“permanently demolished”** means that the chassis of a motor vehicle has been-

- (a) compacted;
- (b) compressed;
- (c) melted;
- (d) destroyed; or
- (e) damaged;

to such an extent that the motor vehicle concerned cannot be made roadworthy and the chassis cannot be used to build a motor vehicle;

**“personalised licence number”** means a licence number which shall be issued upon application under regulation 28(3);

**“public transport vehicle”** means a motor vehicle conveying persons for reward and operating in terms of an operating licence issued in accordance with the provision of the NLTTA; and

**“rapid transport bus or rapid transport bus-train”** means a bus authorised to operate along a rapid transport lane in a bus rapid transport system, and which has a regulated floor height and door configuration designed to facilitate speedy access of passengers to and from dedicated loading facilities, and includes the following subcategories;

**“rapid transport complementary bus or rapid transport complementary bus-train”** means a bus designed to operate on a public road that is designated as a formal route in a bus rapid transport system and on a rapid transport lane;

**“rapid transport feeder bus or midibus”** means a bus or midibus that is contracted by a bus rapid transport system authority to predominantly feed and distribute passengers to or from stations in a bus rapid transport system and which is first registered after 1 January 2010;

**“rapid transport lane”** means a lane designed for the use of a rapid transport bus and rapid transport bus-train and which is a component of a bus rapid transport system;

**“rapid transport trunk bus or rapid transport trunk bus-train”** means a

*bus designed to operate predominantly on a rapid transport lane which is a component of a bus rapid transport system and in the case of a rapid transport trunk bus-train can comprise up to three units;*

*“rear end”, in relation to a vehicle, means that part of the vehicle which projects furthest to the rear;*

*“rear underrun protection device” means the structure that is designed to prevent a vehicle from riding under the motor vehicle to which the structure is fitted;*

*“rear overhang”, in relation to a vehicle, means that portion of the vehicle which projects to the rear of the centre-line of the rear axle or the rearmost axle of the rear axle unit or, if such vehicle has only one axle, which projects to the rear of the centre-line of that axle;*

*“reasonably level”, in relation to a road, means a road which does not exceed a plus or minus one per cent grade;*

*“registration certificate” means a certificate issued to the title holder of a motor vehicle in terms of regulation 13(2A)(c), or a certificate issued to a title holder or owner of a motor vehicle in terms of regulation 16; and*

*“resting period” means the period of time that the driver of a motor vehicle contemplated in the regulations is required to rest or taking time off driving, after exceeding the prescribed driving time, within the prescribed maximum driving time in a period of 24 hours;*

*“retro-reflector” means a reflector which complies with the standard specification SABS 513 “Retro-reflectors (reflex reflectors)”, and which bears a certification mark or an approval mark, but where a reflector is incorporated in a cluster of lamps, the certification or approval mark can be on the cluster instead of the reflector;*

*“safety glass” means transparent glass or other transparent material so constructed or treated that, when fractured, the possibility of large flying fragments or sharp splinters is minimised;*

*“school bus” means a mini-bus or bus, owned by or contracted to, or on behalf of, a school, and used principally for the conveyance of school children and other persons associated with such school;*

*“service brake” means a brake, normally a footbrake, used in the ordinary course of events to reduce the speed of a vehicle or to stop the vehicle, and which consists of—*

- (a) a single braking system which brakes the front and rear wheels of the vehicle simultaneously, or in the case of—*
  - (i) a semi-trailer, brakes the wheels thereof simultaneously;*
  - (ii) a trailer, which according to the registration certificate thereof was registered for the first time before 1 January 1986 and which is not a semi-trailer, brakes the front or rear wheels or all wheels thereof simultaneously; or*
  - (iii) a tractor, brakes the wheels of the rear axle or rear axle unit of the tractor simultaneously; or*
- (b) two braking systems which—*
  - (i) jointly brake the front and rear wheels of the vehicle simultaneously; and*
  - (ii) independently brake at least two wheels of the vehicle simultaneously;*

*“special permit” means a permit referred to in regulation 84(1)(b);*

*“speed detectors or jammers” means any device used for detecting the use, or preventing the effective use, of a speed measuring device;*

*“speed governor” means any device fitted into a motor vehicle that electronically controls or limit the traveling speed of a motor vehicle;*

*“steering axle” means an axle, the wheels of which are attached in such a manner that it enables the vehicle concerned to be steered thereby, but excludes—*

- (a) any axle of a semitrailer or trailer;*
- (b) the rear axle or axles of any motor vehicle; and*
- (c) any axle of a motor vehicle which is steered by movement of the front portion of the vehicle relative to the rear portion of the vehicle, or which is steered by movement of its articulated frame,*

*and the phrase “steering axle unit” has the same meaning subject to due alteration where necessary;*

*“stop lamp” means a device fitted to a vehicle for the purpose of signalling, by means of a light, the intention of the driver of such vehicle to stop or reduce the speed of such vehicle;*

*“temporary permit” means a permit referred to in regulation 84(1)(a).*

*“the Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);*

*“towing” means towing a vehicle that is not designed or adapted for the purpose of being drawn;*

*“traffic island” means a physical island that serves as a channelizing device within a junction or on a public road;*

*“traffic lane” means a longitudinal division of a public road of sufficient width to accommodate the passage of a single line of vehicles;*

*“traffic register number” means a number allocated in terms of regulation 335(2);*

*“traffic register number certificate” means a certificate issued in terms of regulation 335(2);*

*“traffic signal” means a road traffic sign which, by means of automatic light signals, alternately directs traffic to stop and permits it to proceed;*

*“training centre” means an approved training centre as contemplated in section 3L of the Act;*

*“turning radius”, in relation to a vehicle, means the radius of the circle described by the outer steered wheel of a vehicle when such wheel is deflected as far as possible from the straight, either to the left or to the right, and, where the radii so obtained are not the same, the larger of the two shall be taken as the turning radius of the vehicle, the radius being measured to the outer edge of the track described by such outer steered wheel;*

*“vehicle directional stability control device” means a device, or system fitted to a motor vehicle for the purposes of minimizing the risk of the driver losing control of the motor vehicle in the event of tyre failure or sudden loss of tyre pressure;*

*“vintage motor vehicle” means a motor vehicle manufactured before 1965;*

**“wheelbase”**—

- (a) *in relation to a semi-trailer, means the distance measured at ground level, between parallel planes at right-angles to the longitudinal centre-line of the vehicle passing through the centre-line of its king-pin and the centre-line of its axle or axle unit, as the case may be;*
- (b) *in relation to a trailer with only one axle or one axle unit, other than a semi-trailer, means the distance, measured at ground level, between parallel planes at right angles to the longitudinal centre-line of the vehicle passing through the centre-line of the coupling pin or knuckle and the centre-line of such axle or axle unit as the case may be; and*
- (c) *in relation to any other vehicle, means the distance measured at ground level between parallel planes at right-angles to the longitudinal centre-line of the vehicle passing through the centre-line of the front axle or front axle unit and the centre-line of the rear axle or rear axle unit, as the case may be; and*

**“wheel massload”**, *in relation to any wheel of a vehicle, means the total mass supported by the contact area between the tyre of such wheel and the road surface.*

## CHAPTER II

### APPLICATION OF ACT AND MINIMUM REQUIREMENTS

#### Part I

#### Matters relating to registering authorities

##### Sec 2. Application of Act

This Act shall apply throughout the Republic: Provided that any provision thereof shall only apply to those areas of the Republic in respect of which the Road Traffic Act, 1989 (Act No. 29 of 1989), did not apply before its repeal by section 93, as from a date fixed by the Minister by notice in the *Gazette*.

##### Sec 3. Appointment of registering authorities

- (1) For the purposes of this Act, the Shareholders Committee shall, in consultation with the relevant MEC and by notice in the *Gazette*, appoint a registering authority for the area and on the conditions it determines from time to time.
- (2) The Shareholders Committee, in consultation with the relevant MEC, may combine the area of any registering authority or any portion thereof with the area of another registering authority, may divide the area of a registering authority into areas for two or more registering authorities, and may appoint a registering authority for a new area.
- (3) Where, from or after a specific date, a registering authority, in this subsection referred to as a new registering authority, becomes the registering authority for an area previously under the jurisdiction of another registering authority, including a registering authority appointed under a repealed law or ordinance, any reference in this Act or a repealed law or ordinance to such other registering authority shall, from or after such date, be construed as a reference to such new registering authority.
- (4) The powers and duties conferred or imposed upon a registering authority by or in terms of this Act shall be exercised or performed on behalf of that registering authority by the persons authorised thereto by the registering authority.
- (5) If the Shareholders Committee decides that circumstances warrant such a step, the chief executive officer may execute the functions, or appoint an agent to execute the functions, of a registering authority whose service delivery, collection of payment or management fall short of the standards set in respect of business groups by the Road Traffic Management Corporation Act, 1999.

##### Sec 3A. Appointment of officers

- (1) For the purposes of this Act—
  - (a) the chief executive officer may, upon such conditions as he or she may determine, appoint as many persons as—
    - (i) inspectors of licences;
    - (ii) examiners of vehicles;
    - (iii) examiners for driving licences;
    - (iv) traffic officers; and
    - (v) traffic wardens,as he or she may deem expedient;



- (b) an MEC may, upon the conditions set by the chief executive officer, appoint for the province concerned as many persons as—
    - (i) inspectors of licences;
    - (ii) examiners of vehicles;
    - (iii) examiners for driving licences;
    - (iv) traffic officers; and
    - (v) traffic wardens,
 as he or she may deem expedient;
  - (c) a local authority which is a registering authority may, upon the conditions set by the chief executive officer, appoint for its area as many persons as—
    - (i) inspectors of licences;
    - (ii) examiners of vehicles; and
    - (iii) examiners for driving licences,
 as it may deem expedient;
  - (d) any local authority or two or more local authorities may jointly appoint for its area or for their areas jointly, as the case may be, upon the conditions set by the chief executive officer, as many persons as traffic officers or reserve traffic officers as may be reasonably necessary, and such officers shall function within such area or areas;
  - (e) any local authority may appoint persons as traffic wardens or as reserve traffic wardens to exercise or perform within its area such powers and duties of a traffic officer as the MEC may determine: Provided that the MEC may—
    - (i) make different determinations in respect of different categories of traffic wardens; and
    - (ii) either generally or specifically, impose conditions with regard to the exercise or performance of such powers and duties; and
  - (f) any person or institution determined by the chief executive officer by notice in the *Gazette*, may, on the conditions and for the areas determined in the notice, appoint any person as an examiner of vehicles or as an examiner for driving licences.
- (2) Notwithstanding anything to the contrary contained in this Act or any other law, the chief executive officer may, in consultation with the MEC or local authority concerned, as the case may be, determine that some or all traffic officers and reserve traffic officers appointed by such MEC or local authority, may function within an area or areas determined by the chief executive officer.
- (3) (a) No person shall be appointed under subsection (1) as an authorised officer unless he or she has been graded and registered in the prescribed manner.
- (b) Any person who is not so graded and registered may be appointed once on probation as an authorised officer for a period not exceeding 12 months or for such further period as the MEC may approve.
- (c) It must be a condition of appointment that the person appointed on probation must during such probation period comply with the competency and registration requirements prescribed for the specific category of appointment.
- (d) A person appointed under paragraph (b) may not use an authorised officer's infrastructure number to certify a vehicle tested by such person; and

- (4) Any person appointed under subsection (1) as an authorised officer, shall upon his or her appointment be issued with a certificate of appointment by the chief executive officer, MEC concerned, local authority, person or institution appointing him or her, as the case may be.
- (5) An authorised officer shall not exercise any power or perform any duty unless he or she is in possession of his or her certificate of appointment.
- (6) An authorised officer shall produce his or her certificate of appointment at the request of any person having a material interest in the matter concerned.
- (7) A traffic officer shall at all times when wearing a full or partial traffic officer's uniform, display his or her official name tag above the right breast pocket of his or her uniform in such a manner that it is completely visible and easily legible.

**APPOINTMENT OF TRAFFIC OFFICERS BY THE CHIEF EXECUTIVE OFFICER OF THE ROAD TRAFFIC MANAGEMENT CORPORATION**

[Published in Government Gazette 34316, GNR.310 of 25 May 2011]

**APPOINTMENT OF TRAFFIC OFFICERS BY THE CHIEF EXECUTIVE OFFICER OF THE ROAD TRAFFIC MANAGEMENT CORPORATION.**

**I Sibusiso Joel Ndebele**, Minister of Transport, hereby give Notice, in terms of Section 93A of National Road Traffic Act, 1996 (Act No. 93 of 1996), that the functionary prescribed in section 3A (1) (a) of Act, 1996 (Act No. 93 of 1996), for the appointment of traffic officers to serve under the National Traffic Law Enforcement Unit, shall be regulated from the date of publication of this Notice, in accordance with provisions of that section.

**Sec 3B. Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer**

- (1) Any person desiring to be registered as—
  - (a) an inspector of licences;
  - (b) an examiner of vehicles;
  - (c) an examiner for driving licences; or
  - (d) a traffic officer,
 shall apply in the prescribed manner to the chief executive officer.
- (2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

**Sec 3C. Registration and grading of officers**

- (1) The chief executive officer shall, if satisfied that a person referred to in section 3B complies with the prescribed competency and registration requirements in respect of the specific application category, register such person in the prescribed manner: Provided that the chief executive officer shall grade an examiner of vehicles or an examiner for driving licence according to his or her qualifications in the prescribed manner.
- (2) No person shall be registered or remain registered in terms of subsection (1) as—
  - (a) an examiner of vehicles if he or she has or acquires a direct or indirect financial interest in the manufacturing, selling, rebuilding, repairing or modifying of motor vehicles; or
  - (b) an inspector of licences, an examiner for driving licences or a traffic officer if he or she, or through his or her spouse or partner has or acquires a direct or indirect financial or other related interest in any driving school or in the training or instruction of or supervision of learner drivers:

- Provided that the chief executive officer may register a person in terms of subsection (1) notwithstanding the provisions of this subsection.
- (3) Any act by a person in the execution of his or her powers or in the performance of his or her duties whilst he or she was incompetent by reason of the provisions of subsection (2), shall not be invalid for such reason only.
  - (4) Any person registered as a traffic officer for a province in terms of subsection (1), shall be deemed to be registered for any other province.

**Sec 3D. Minimum requirements for registration as inspector of licences, examiner of vehicles, examiner for driving licences and traffic officer**

- (1) The minimum requirements for registration as an inspector of licences, an examiner of vehicles, an examiner for driving licences or a traffic officer, as the case may be, shall be that the applicant—
  - (a) has obtained an appropriate diploma at a training centre approved by the Shareholders Committee;
  - (b) is a fit and proper person to be registered as such; and
  - (c) in the case of a traffic officer, has undergone training in relation to the laws applicable to the transportation of dangerous goods:

Provided that a person appointed before—

- (i) 1 January 1992 in terms of a repealed ordinance or section 3 (1) of the Road Traffic Act, 1989 (Act No. 29 of 1989); or
  - (ii) the commencement of this Act in terms of any road traffic law contemplated in item 2 of Schedule 6 to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as an inspector of licences, an examiner of vehicles, an examiner for driving licences or a traffic officer, as the case may be, shall be deemed to have complied with the provisions of this subsection.
- (2) The diploma referred to in subsection (1) (a) shall—
  - (a) in the case of an examiner of vehicles, indicate the classes of motor vehicles he or she is qualified to inspect, examine and test; or
  - (b) in the case of an examiner for driving licences, indicate the codes of learner's licences and driving licences for which a person may be examined and tested by such examiner.
- (3) The chief executive officer shall grade an examiner of vehicles or an examiner for driving licences as prescribed.

**Sec 3E. Suspension and cancellation of registration of officer**

- (1) The inspectorate of driving licence testing centres or the inspectorate of testing stations, respectively, may for the period that it deems fit and in the manner prescribed, suspend or cancel the registration of an examiner for driving licences, or an examiner of vehicles, if—
  - (a) in the opinion of the inspectorate such person is guilty of misconduct in the exercise of his or her powers or the performance of his or her duties;
  - (b) such person stopped functioning as an officer for a period of 12 successive months;
  - (c) such person has not attended an appropriate refresher course within the prescribed time at a training centre approved by the Shareholders Committee; or

- (d) in the opinion of the inspectorate concerned, the performance record of such person indicates that he or she is incompetent to exercise or perform the powers or duties of an officer of the category in which he or she is registered.
- (2) The chief executive officer may for the period that he or she deems fit and in the manner prescribed, suspend or cancel the registration of a traffic officer or inspector of licences if any of the circumstances referred to in subsection (1) (a) to (d) exist.
- (3) The registration of a person referred to in subsection (1) or (2) may only be suspended or cancelled after such person has had the opportunity to make representations in writing and to show cause, within the period determined by the chief executive officer, which period shall not be less than 21 days, why the registration should not be suspended or cancelled.
- (4) Any person adversely affected by the decision of the inspectorate referred to in subsection (1) or the chief executive officer referred to in subsection (2) may, within 21 days after he or she became aware of the decision, request the inspectorate or chief executive officer, as the case may be, to give reasons in writing for its, his or her decision.
- (5) If the registration of a person is suspended or cancelled in terms of this section, that person shall forthwith return his or her registration document to the chief executive officer, who shall keep such document for the period of suspension, or cancel such document, as the case may be.

### **Sec 3F. Powers and duties of inspector of licences**

In addition to the powers and duties conferred upon him or her or under this Act, an inspector of licences may, subject to the provisions of this Act or any other law—

- (a) by notice in writing as prescribed, direct the owner, operator, driver or person in charge of any vehicle, wherever found, which in his or her opinion does not comply with the requirements for roadworthiness certification provided for in this Act or in any other law, to produce such vehicle for inspection, examination or testing to an appropriately graded testing station for such class of vehicle at a time and place specified in such notice;
- (b) in respect of any motor vehicle, demand from the title holder, owner, operator or driver thereof the production of any document which such person is required to have in respect of that motor vehicle in terms of this Act or any other law, or any like document issued by a competent authority outside the Republic;
- (c) require from any instructor—
  - (i) where such instructor is engaged in teaching or instructing another person in the driving of a motor vehicle, forthwith; or
  - (ii) where such instructor is not so engaged, within seven days, to produce evidence of his or her registration;
- (d) examine any motor vehicle in order to satisfy himself or herself that it is the motor vehicle in respect of which a document referred to in paragraph (b) was issued;
- (e) impound any document referred to in paragraph (b) which appears to be or which the officer suspects to be invalid or which has been or appears to have been unlawfully altered or defaced or which is being put to unlawful use, and where any document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (f) require the owner, operator or driver or person in charge of any vehicle forthwith to furnish his or her name and address, and give any other particulars required as to his or

her identification, and where applicable, immediately to produce a professional driving permit;

- (g) demand from any person immediately to produce a licence or any other prescribed authorisation authorising him or her to drive a motor vehicle, and to produce any other document which he or she is required to have in respect of any motor vehicle in terms of this Act or any other law;
- (h) impound any licence or document produced to him or her in terms of paragraph (g) which in his or her opinion may afford evidence of a contravention or evasion of any provision of this Act or any other law, and where any licence or document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (i) require any person, whether or not this person is in a vehicle, to furnish his or her name and address and to give other particulars required as to his or her identification, as well as such information as is within his or her power to furnish and which may lead to the identification of the owner, operator or driver of the vehicle concerned;
- (j) require any person to furnish him or her with any information as is within the power of such person to furnish and which may lead to the identification of the driver, owner, operator or person in charge of a vehicle at any time or during any period; or
- (k) at any reasonable time, having regard to the circumstances of the case, without prior notice, and in the exercise of any power or the performance of any duty which he or she is in terms of this Act or any other law authorised or required to exercise or perform, enter any premises on which he or she has reason to believe that any vehicle is kept.

### **Sec 3G. Powers and duties of examiner of vehicles**

- (1) An examiner of vehicles may inspect, examine or test any vehicle in order to determine whether it is roadworthy and for that purpose may dismantle the vehicle or any part thereof or its equipment or accessories: Provided that the examiner shall reassemble any vehicle so dismantled, or shall cause any vehicle so dismantled to be reassembled, to the same condition in which it was before it was dismantled unless the person in charge of the vehicle requests him or her not to do so.
- (2) An examiner of vehicles may drive any vehicle when necessary in the performance of his or her duties, if, in the case of a motor vehicle, he or she is licensed to drive a motor vehicle of the class concerned.

### **Sec 3H. Powers and duties of examiner for driving licences**

- (1) An examiner for driving licences shall test any applicant for a learner's or driving licence in the manner and in regard to the matters as prescribed, in order to determine whether the applicant is fit and competent to obtain a learner's or driving licence for the class of vehicle for which he or she applies.
- (2) No examiner for driving licences shall test an applicant for a driving licence in terms of this Act unless the examiner himself or herself is licensed to drive a vehicle of the class for which the applicant applies to obtain a driving licence or of the class prescribed.

### **Sec 3I. Powers and duties of traffic officer**

In addition to the powers and duties conferred upon him or her or under this Act, a traffic officer may, subject to the provisions of this Act or any other law—

- (a) exercise or perform any of the powers or duties conferred upon an inspector of licences under section 3F;
- (b) when in uniform, require the driver of any vehicle to stop such vehicle;

- (c) inspect and test or cause to be inspected and tested by a person whom he or she considers competent to do so, any part and the functioning of any vehicle, and the equipment thereof, with a view to ascertaining whether the vehicle concerned or the functioning thereof and the equipment comply with the provisions of this Act: Provided that no officer or person instructed by the officer to inspect or test such vehicle shall, in the exercise of the power hereby conferred upon him or her, dismantle the mechanism or any working parts of any motor vehicle unless he or she is also a qualified motor mechanic or has passed an examination for examiners of vehicles as prescribed, and if he or she has so dismantled the vehicle, he or she shall reassemble the dismantled mechanism or parts to the same condition in which it was before it was dismantled unless he or she is requested by the person in charge of the vehicle not to do so;
- (d) ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, loaded or unloaded, and if necessary for the purpose of ascertaining such mass, require any vehicle or combination of vehicles to proceed to a mass-meter or mass-measuring device, and if the mass of any vehicle or combination of vehicles exceeds the mass allowed in terms of this Act, prohibit the operation of the vehicle or combination of vehicles on a public road until the mass has been reduced or adjusted to comply with this Act: Provided that where the load on a vehicle includes any hazardous substance as contemplated in the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the reduction and handling of the mass shall be undertaken in terms of that Act;
- (e) drive any vehicle where necessary in the performance of his or her duties if, in the case of a motor vehicle, he or she is licensed to drive a motor vehicle of the class concerned;
- (f) if a person, being the driver or the person apparently in charge of a motor vehicle, appears, by reason of his or her physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of that vehicle, temporarily forbid the person to continue to drive or be in charge of that vehicle and make the arrangements for the safe disposal or placing of the vehicle as in his or her opinion may be necessary or desirable in the circumstances;
- (g) regulate and control traffic upon any public road, and give such directions as may, in his or her opinion, be necessary for the safe and efficient regulation of the traffic, which may include the closing of any public road, and, where he or she is of the opinion that the driver of a motor vehicle is hampering or impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road and to follow another route with the vehicle;
- (h) require any person to furnish his or her name and address and other particulars which are required for his or her identification or for any process if the officer reasonably suspects this person of having committed an offence in terms of this Act or any other law or, if in the opinion of the officer, he or she is able to give evidence in regard to the commission of any such offence;
- (i) in respect of any motor vehicle, demand from the owner, operator or driver thereof to produce any document prescribed in terms of this Act;
- (j) impound any document referred to in paragraph (i) produced to him or her and which in his or her opinion may afford evidence of a contravention of or failure to comply with any provision of this Act or any other law related to road traffic matters and where any document is so impounded, the traffic officer shall issue a receipt in respect thereof to the person concerned;
- (k) require any professional driver or the operator or owner of any motor vehicle to produce for inspection and to have a copy made of—
  - (i) any record or document which that person is required in terms of this Act to carry or have in his or her possession or which is required to be affixed to any such motor vehicle; or

- (ii) any record which that person is required in terms of this Act to preserve;
- (l) at any time enter any motor vehicle of an operator and inspect such vehicle;
- (m) at any time enter upon any premises on which he or she has reason to believe that a motor vehicle of an operator is kept or any record or other document required to be kept in terms of this Act is to be found, and inspect such vehicle and copy any such record or document, which he or she finds there;
- (n) if he or she has reason to believe that an offence in terms of this Act has been committed in respect of any record or document, inspected by him or her, impound that record or document, and where any document is so impounded, the traffic officer shall issue a receipt in respect thereof to the person concerned;
- (o) inspect any motor vehicle or part thereof and impound any document issued in connection with the registration and licensing of such motor vehicle which relates to the motor vehicle, where it is found that the engine or chassis number of the motor vehicle differs from the engine or chassis number as specified on the document, and direct that the motor vehicle be taken, forthwith, to any police station specified by the traffic officer for police clearance, and may after such clearance has been obtained, return the impounded document to any person who is entitled thereto, or notify the owner of the motor vehicle concerned that the vehicle must be re-registered, as the case may be; and
- (p) require from the owner, operator or driver of a motor vehicle registered or deemed to be registered in any prescribed territory, police clearance in respect of the motor vehicle before allowing the motor vehicle to be taken across the borders of the Republic: Provided that the chief executive officer may exempt any owner, operator or driver in the prescribed manner from having to provide such police clearance.

**Sec 3J. Failure to comply with instruction or direction of inspector of licences, traffic officer, examiner of vehicles or peace officer**

- (1) No person shall—
  - (a) fail to comply with any instruction or direction given to him or her by an inspector of licences, traffic officer or examiner of vehicles, or obstruct, hinder or interfere with any inspector of licences, traffic officer or examiner of vehicles in the exercise of any power or the performance of any duty in terms of this Act;
  - (b) fail to comply with any instruction or direction given to him or her by a peace officer, or obstruct, hinder or interfere with any peace officer in the exercise of any power relating to a provision of this Act assigned to him or her in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or
  - (c) in order to compel a person referred to in paragraph (a) or (b) to perform or to refrain from performing any act in respect of the exercise of his or her powers or the performance of his or her duties, or on account of such person having performed or refrained from performing such an act, threaten or suggest the use of violence against or restraint upon such person or any of his or her relatives or dependants, or threaten or suggest any injury to the property of such person or of any of his or her relatives or dependants.
- (2) Whenever the production of any document which is not required to be affixed to a vehicle or to be kept with him or her in a vehicle by any person, is demanded under sections 3F (b), 3F (g) or 3I (i), the production thereof at any police station or office set aside by a competent authority for use by a traffic officer or peace officer, within a period of seven days after being so demanded, shall be deemed to be sufficient compliance with the demand.
- (3) Whenever any document is produced under subsection (2) at any police station or office referred to in that subsection, the officer in charge of such police station or office so set aside, shall accordingly forthwith notify the officer who made the demand concerned and

shall issue an acknowledgement of production of such document to the person producing it.

- (4) Where a document is not produced under subsection (2) and any process is to be handed to or served upon a person in terms of section 54 or 72 of the Criminal Procedure Act, 1977, an inspector of licences, traffic officer or peace officer may require the imprint of the left thumb of the person to whom the process relates on such process, and such person shall be obliged to furnish such imprint in the manner and at such a place or places on the document or copies thereof as directed by the inspector or officer concerned: Provided that if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger so used shall be identified in writing by the inspector or officer concerned under each imprint of such finger.

**Sec 3K. Impersonating authorised officer or peace officer or inducing any such officer to forsake his or her duty**

- (1) Any person who is not an authorised officer or a peace officer shall not act in a way that may create an impression that he or she is an authorised officer or a peace officer or pretend by way of word, action, conduct or demeanour that he or she is an authorised officer or peace officer; and
- (2) No person shall connive with or induce or attempt to induce any authorised officer or peace officer to omit to carry out his or her duty or to commit an act in conflict with his or her duty.
- (3) A person who is not duly appointed as a traffic officer under this Act, may not wear a traffic officer's uniform, any part of such uniform or any other garment or badge that distinguishes such person as a traffic officer without the written permission of the enforcement authority.
- (4) Notwithstanding subsection (3), the Minister or MEC, as the case may be, may, if accompanied by law enforcement officials, wear a traffic officer's uniform.

**Sec 3L. Approval of training centre**

- (1) If a training centre referred to in sections 3D (1) (a), 3E (1) (c) and 28C meets the prescribed requirements, the Shareholders Committee shall approve it.
- (2) The Shareholders Committee may, if a training centre no longer complies with the requirements referred to in subsection (1) revoke the approval referred to in that subsection.

***Procedure in case of dispute in relation to appropriate registering authority***

- Reg 1A.**
- (1) *If a dispute should arise between two or more registering authorities or between a person and a registering authority, as to which registering authority is the appropriate registering authority, such dispute shall be decided by the MEC.*
  - (2) *If it is in issue in any civil or criminal proceeding whether an alleged registering authority is the appropriate registering authority the alleged registering authority shall, in the absence of evidence to the contrary, be deemed to be the appropriate registering authority.*

***Manner of application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer***

- Reg 1B.** *An application in terms of section 3B of the Act for registration as an inspector of licences, examiner of vehicles, examiner for driving licences or a traffic officer, as the*



*case may be, shall be made to the chief executive officer on form RO as shown in Schedule 2, and shall be accompanied by acceptable identification of the applicant and a certified copy of any document, certificate or diploma relating to the applicant's competence and registration requirements as referred to in section 3D of the Act.*

***Manner of registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer***

**Reg 1C.** (1) *If the chief executive officer is satisfied as contemplated in section 3C of the Act, he or she shall—*

- (a) in the case of an examiner of vehicles or examiner for driving licences, grade the applicant in terms of regulation 2;*
  - (b) record the particulars of the applicant on the register of authorised officers referred to in regulation 331 (4) (a); and*
  - (c) issue to the applicant a certificate of registration on form CR as shown in Schedule 2.*
- (2) If the chief executive officer is not satisfied as contemplated in section 3C of the Act, he or she shall refuse to register the applicant and notify such applicant accordingly.*
- (3) Any person whose registration has been cancelled in terms of section 3E of the Act and who applies to be registered, may in addition to the requirements referred to in subregulation (1), be required to have successfully completed a refresher course at a training centre within a period of three months prior to such application.*

***Manner of application for registration as a NaTIS Officer***

**Reg 1D.** (1) *An application for registration as a NaTIS Officer shall be made to the chief executive officer.*

- (2) An application, referred to in subregulation (1) shall be accompanied by-*
- (a) the acceptable identification of the applicant;*
  - (b) the NaTIS User Undertaking as issued by the Department; and*
  - (c) any other additional information or documents as may be required by the chief executive officer.*

***Manner of registration as a NaTIS Officer***

**Reg 1E.** (1) *On receipt of the application referred to in regulation 1D, the chief executive officer shall-*

- (a) ensure that the application is in order; and*
  - (b) ensure that the person concerned is a fit and proper person to be registered as a NaTIS Officer.*
- (2) If the chief executive officer is satisfied that the applicant may be registered as a NaTIS Officer, he or she shall-*
- (a) record the particulars of the applicant on the register of NaTIS officers; and*

- (b) *issue to the applicant a certificate of registration on form CR as shown in Schedule 2.*
- (3) *If the chief executive officer is not satisfied that the applicant may be registered as a NaTIS Officer, he or she shall refuse to register the applicant and notify such applicant accordingly.*

***Manner of suspension or cancellation of registration of NaTIS Officer***

- Reg 1F.** (1) *The chief executive officer shall, in considering the suspension or cancellation of the registration of a NaTIS officer-*
- (a) *notify the NaTIS officer concerned; and*
  - (b) *inform the NaTIS officer concerned that he or she may submit in writing, within 21 days after such notification any aspect that may be taken into account in considering such suspension or cancellation, to the chief executive officer.*
- (2) *If the chief executive officer suspends or cancels the registration of a NaTIS officer, he or she shall—*
- (a) *notify such NaTIS officer of the reason for the cancellation or suspension, and the period of suspension (if applicable); and*
  - (b) *update the register of NaTIS officers.*
- (3) *A NaTIS officer whose registration has been cancelled or suspended, shall within 14 days after being notified of such cancellation or suspension, submit the certificate of registration referred to in regulation 1E (2) to the chief executive officer.*
- (4) *A NaTIS officer whose registration has been cancelled or suspended due to the following:*
- (a) *fraudulent or illegal actions which constitute an offence;*
  - (b) *investigation into fraudulent actions; or*
  - (c) *resigns before completion of investigation into fraud and has been found guilty of fraud;*
- shall not be appointed or registered by any authority.*
- (5) *A NaTIS officer whose registration has been cancelled or suspended due to the following:*
- (a) *resignation for reasons other than that referred to in subregulation (4); or*
  - (b) *stopped practising as a NaTIS officer for reasons other than that referred to in subregulation (4),*
- may be registered as a NaTIS Officer by the chief executive officer.*

### ***Grades of examiner of vehicles and examiner for driving licences***

- Reg 2.**      (1)      *The chief executive officer shall grade an examiner of vehicles as—*
- (a)      *grade A, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a motor vehicle of any class and such examiner holds a code EC driving licence for a manual transmission and a code A driving licence; or*
  - (b)      *grade B, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a motor vehicle of any class, except for a goods vehicle or bus, the gross vehicle mass of which exceeds 3 500 kilograms, and such examiner holds a code EB driving licence for a manual transmission and a code A driving licence.*
- (2)      *An examiner of vehicles who is graded in terms of subregulation (1)—*
- (a)      *as a grade A examiner of vehicles, shall be authorised to inspect, examine and test a motor vehicle of any class; or*
  - (b)      *as a grade B examiner of vehicles, shall be authorised to inspect, examine and test a motor vehicle of any class, except for a goods vehicle or a bus, the gross vehicle mass of which exceeds 3 500 kilograms.*
- (3)      *The chief executive officer shall grade an examiner for driving licences as—*
- (a)      *grade A, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for any code of learner's or driving licence and such examiner holds a code EC driving licence for a manual transmission and a code A driving licence;*
  - b)      *grade B, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the codes B, C1, C, EB, EC1 and EC, and such examiner holds a code EC driving licence for a manual transmission;*
  - (c)      *grade C, if the diploma referred to in section 3D (1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the codes A1, A and B, and such examiner holds a code B driving licence for a manual transmission and a code A driving licence;*
  - (d)      *grade D, if the diploma referred to in section 3D (1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the code B, and such examiner holds a code B driving licence for a manual transmission; and*
  - (dA)      *as a grade F examiner for driving licences, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;*
  - (dB)      *grade G, if the examiner for driving licences is qualified to the satisfaction of the chief executive officer to determine whether a person is disqualified from obtaining or holding a learner's or driving licence in terms of regulation 102 and to take an imprint of the left thumb and right thumb of the applicant as referred to in regulation 108(1)(c) and*

*119(1)(a)*

- (e) grade L, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code.*
- (4) An examiner for driving licences who is graded in terms of subregulation (3)—*
  - (a) as a grade A examiner for driving licences, shall be authorised to examine and test a person for a learner's and driving licence of any code;*
  - (b) as a grade B examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code B, C1, C, EB, EC1 or EC;*
  - (c) as a grade C examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code A1, A or B;*
  - (d) as a grade D examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code B;*
  - (dA) as a grade F examiner for driving licences, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;*
  - (dB) as a grade G examiner for driving licences, shall be authorised to determine whether a person is disqualified from obtaining or holding a learner's or driving licence in terms of regulation 102 and to take an imprint of the left thumb and right thumb of the applicant as referred to in regulation 108 (1) (c) and 119 (1) (a) and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;*
  - (e) as a grade L examiner for driving licences, shall be authorised to examine and test a person for any code of learner's licence;*
  - (f) as a grade A, B, C or D examiner for driving licences shall, notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998, in terms of section 19 of the Act, or to issue a driving licence in terms of section 20 (3), 23 (4) or 24 (3) of the Act or to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;*
  - (g) as a grade L examiner for driving licences, shall be authorised to determine whether a person is disqualified from obtaining or holding a learner's or driving licence in terms of regulation 102 and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or a professional driving permit.*

***Manner of suspension or cancellation of registration of authorised officer***

***Reg 2A.*** (1) *The inspectorate of driving licence testing centres or inspectorate of testing*

*stations in terms of section 3E(1) of the Act, or the chief executive officer in terms of section 3E(2) of the Act, whatever the case may be, shall, in considering the suspension or cancellation of the registration of an authorised officer—*

- (a) notify the officer concerned; and*
  - (b) inform the officer concerned that he or she may submit in writing, within 21 days after such notification, any aspect that may be taken into account in considering such suspension or cancellation, to the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be.*
- (2) If the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be, suspends or cancels the registration of an officer, it, he or she shall—*
- (a) notify such officer of the reason for the cancellation or suspension, and the period of suspension (if applicable); and*
  - (b) update the register of authorised officers referred to in regulation 331(4)(a) accordingly.*
- (3) An officer whose registration has been cancelled or suspended, shall within 14 days after being notified of such cancellation or suspension—*
- (a) submit the certificate of registration referred to in regulation 1C(1) to the chief executive officer, who shall deal with such registration certificate in the manner prescribed in section 3E(5) of the Act; and*
  - (b) submit the certificate of appointment referred to in section 3A(4) of the Act to the authority who appointed him or her.*
- (4) An authorised officer or instructor whose registration has been cancelled or suspended due to the following:*
- (a) fraudulent or illegal actions which constitute an offence;*
  - (b) investigation into fraudulent actions; or*
  - (c) resigns before completion of investigation into fraud and has been found guilty of fraud; shall not be appointed or registered by any authority.*
- (5) An authorised officer or instructor whose registration has been cancelled or suspended due to the following:*
- (a) resignation for reasons other than that referred to in subregulation (4); or*
  - (b) stopped practising as a specific type of authorised officer or instructor for an unspecified period for reasons other than that referred to in subregulation (4),*

*may be appointed or registered by any authority after the period specified and on the conditions determined by the MEC.*

## ***Requirements for approval of training centres by Shareholders Committee***

### ***Reg 2B.***

- (1) If a training centre referred to in sections 3D (1) (a) and 3E (1) (c) of the Act wants to be approved in terms of section 3L of the Act, it shall apply for approval on form AFA, as shown in Schedule 2.*
- (2) On receipt of an application contemplated in subregulation (1), the Shareholders Committee shall direct the chief executive officer or an employee of the Corporation to inspect the training centre to determine whether it meets the requirements set out in subregulation (3), after having given at least one month's written notice to the training centre.*
- (3) The requirements to be met by a training centre for approval in terms of section 3L of the Act, shall be that—*
  - (a) the curricula for traffic officers, examiners for driving licences and examiners of vehicles published by the chief executive officer by notice in the Gazette shall be fully implemented;*
  - (b) the assessment policy published by the chief executive officer by notice in the Gazette shall be complied with;*
  - (c) the entry requirements for the course for traffic officers published by the chief executive officer by notice in the Gazette shall be complied with;*
  - (d) the general facilities, equipment and services published by the chief executive officer by notice in the Gazette shall be available;*
  - (e) the specific requirements in respect of registered courses offered, published by the chief executive officer by notice in the Gazette, shall be complied with; and*
  - (f) any training instructor, appointed after one month from the date of coming into force of this regulation, complies with the criteria published by the chief executive officer by notice in the Gazette.*
- (4) If a training centre meets the requirements for approval referred to in subregulation (3), the Shareholders Committee shall communicate such approval to the training centre in writing.*
- (5) The Shareholders Committee may in exceptional cases, on application by a training centre, grant relaxation of certain requirements referred to in subregulation (3), in which event the Shareholders Committee shall communicate the nature of the relaxation and any conditions attached to it to the training centre in writing.*
- (6) (a) The Shareholders Committee shall appoint an evaluation committee to evaluate approved training centres annually.*
  - (b) If an evaluation contemplated in paragraph (a) reveals that a training centre does not comply with a requirement set out in subregulation (3) or a condition of its approval, the Shareholders Committee may review the approval with a view to revoke it under section 3L (2) of the Act.*

## CHAPTER III

### REGISTERING AND LICENSING OF MOTOR VEHICLES AND REGISTERING OF MANUFACTURERS, BUILDERS, IMPORTERS AND MANUFACTURERS OF NUMBER PLATES

#### Sec 4. Registration and licensing of motor vehicles

- (1) The registration and licensing system of motor vehicles for each province shall be as prescribed.
- (2) All motor vehicles shall be registered and licensed unless the contrary is prescribed in respect of specific cases.
- (3) No person shall operate a motor vehicle on a public road unless such motor vehicle is registered and licensed in accordance with this Act.

#### *Motor vehicle to be registered*

**Reg 3.** *Subject to the provisions of regulations 4 and 5, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be registered by the title holder thereof, in accordance with the provisions of this Part, with the appropriate registering authority.*

**No. R. 96 12 May 2010**

**NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO.93 OF 1996)**

**EXEMPTION OF MOTOR VEHICLES FROM COMPLYING WITH THE PROVISIONS OF REGULATIONS 3, 4 OR REGULATION 200(2)(a) OF THE NATIONAL ROAD TRAFFIC REGULATIONS, 2000 UNDER THE NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO 93 OF 1996)**

*I S'busiso Joel Ndebele, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) hereby grant exemption to motor vehicles imported into the Republic only for the purposes of 2010 FIFA Soccer World Cup Tournament from the 25 May 2010 to the 25 July 2010, from complying with the provisions of regulations 3, 4 or 200(2) (a) of the National Road Traffic Regulations, 2000 under the NRTA.*

*The exemption shall apply only to motor vehicles imported solely for the purposes of transportation of FIFA dignitaries and broadcasting for the 2010 FIFA Soccer World Cup Tournament, and shall apply only until the 25 July 2010.*

*(Signed)*

**S'busiso Joel Ndebele**

**MINISTER OF TRANSPORT**

*Published 6 May 2010*

#### *Motor vehicle deemed to be registered*

**Reg 4.** (1) *A motor vehicle in the Republic which is separately registered and licensed in terms of any law of a prescribed territory and which was not ordinarily kept in a garage or at any other place in the Republic when it was so registered and*

*licensed in terms of such law shall, subject to the provisions of subregulations (3) and (4), while it is used by or on behalf of the owner in whose name such vehicle is so registered and licensed, be deemed to be registered in terms of this Part.*

- (2) Subject to the provisions of subregulation (3) and (4), a motor vehicle which is registered in accordance with a law of a Contracting State to the Convention and in accordance with the terms of the Convention, shall be deemed to be registered in terms of this Part while in the Republic—*
  - (a) during a continuous period of 12 months calculated from the date on which such motor vehicle is brought into the Republic; or*
  - (b) until the registration ceases to be of force and effect in terms of the Convention, whichever event is the earlier, and such vehicle may, notwithstanding anything to the contrary contained in this Part, be operated on a public road while it complies with the provisions of the Convention.*
- (3) If a licence of a motor vehicle contemplated in subregulation (1) or (2) is not renewed within the period of validity of such licence, such vehicle shall no longer be deemed to be registered and licensed with effect from the first day of the month following upon the month in which such period of validity has expired.*
- (4) If a motor vehicle contemplated in subregulation (1) or (2) is, with effect from a date after its registration and licensing in terms of the law of the prescribed territory concerned or Contracting State, ordinarily kept in a garage or at any other place in the Republic, such vehicle shall with effect from that date no longer be deemed to be registered and licensed in terms of that subregulation.*

#### ***Motor vehicle exempt from registration***

**Reg 5.**      *(1) A motor vehicle—*

- (a) propelled by electrical power derived from electrical cabling affixed to the vehicle and that is not used on a public road;*
- (b) which has crawler tracks;*
- (c) which is not—*
  - (i) self-propelled;*
  - (ii) a caravan;*
  - (iii) designed principally for the conveyance of persons or goods, or both; and*
  - (iv) operated on a public road;*
- (d) which by reason of its dimensions or the mass thereof or the mass of a part thereof may not be operated on a public road in terms of the Act, and which is not so operated;*
- (e) referred to in paragraph (c) and which is drawn by a tractor whether or not it is operated on a public road;*
- (f) of which the Department of Defence is the title holder and owner;*
- (g) which is designed exclusively for racing, and includes a micro midget*



*car or cart and a go-cart, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;*

- (h) which is a self-propelled lawnmower and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;*
- (i) which is designed exclusively to be used on a golf course and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act and for the purpose of this paragraph operate on a public road shall not include the operation of such vehicle within the confines of a golf course;*
- (j) which is a type of motor cycle on which a person stands, generally known as a motorised skateboard, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act; or*
- (k) which is a type of motor vehicle designed for the purpose of being operated specifically by a person younger than 16 years of age and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;*
- (l) which the steering wheel is on the left hand side, excluding motor vehicles referred to in regulation 200 (2) (b), (d) and (e),*

*shall be exempt from registration and shall not be registered in accordance with the provisions of this Part: Provided that if the ownership of a motor vehicle is to be transferred from the Department of Defence to another person, such Department shall register such motor vehicle prior to such transfer.*

- (2) For the purposes of subregulation (1) (c), the words “operated on a public road” shall not be so construed to include the presence of such motor vehicle on a public road for the purpose of—*
  - (a) being driven to the premises of the owner in order to take delivery thereof;*
  - (b) crossing a public road from the one premises of the owner to another over a distance of not more than one kilometre; or*
  - (c) proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.*
- (3) If a motor vehicle exempt in terms of subregulation (1) (c) is operated on a public road contrary to the provisions of subregulation (2), the title holder of such motor vehicle shall be liable for the registration thereof on the date referred to in regulation 7 (1) (a) (vii)*

#### ***Date on which registration of motor vehicle becomes null and void***

**Reg 6.**      *(1) The registration of a motor vehicle becomes null and void on the date—*

- (a) *of change of title holder or owner of such motor vehicle, which includes for the purposes of this paragraph every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of “appropriate registering authority” in regulation 1, but if the title holder or owner of a motor vehicle is a partnership and a change of title holder or owner of such motor vehicle occurs by reason of one of the partners dying or ceasing to be a partner of such partnership or a new partner being admitted thereto, the registering authority concerned may, upon written application by or on behalf of such partnership, determine that no change of title holder or owner shall be deemed to have occurred in respect of such motor vehicle under the Act;*
- (b) *on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 17(3)(c), 54(4)(c) or 55(3)(d);*
- (c) *if the motor vehicle is subject to an instalment sale transaction, or leasing transaction as defined in the Credit Agreements Act, 1980 (Act No. 75 of 1980), 31 days from the date of repossession of the motor vehicle concerned by the title holder (credit grantor): Provided that the registration of a motor vehicle of which the owner fulfils his or her obligation in terms of section 12 of the Credit Agreements Act, 1980 (Act No.75 of 1980), does not become null and void;*
- (d) *on which the motor vehicle is acquired or the estate is wound up, whichever date is the earlier, if the motor vehicle is acquired from the estate of a deceased person;*
- (e) *determined by the MEC concerned in any circumstances not contemplated in this regulation.*
- (f) *on which the motor vehicle is deregistered in terms of regulation 26A(1).*
- (2) *The words “change of title holder or owner” excludes for the purposes of this regulation a change—*
  - (a) *of name in terms of sections 24 to 26 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), in terms of section 56(1) of the Banks Act, 1990 (Act No. 94 of 1990), in terms of sections 19 to 20 of the Close Corporations Act, 1984 (Act No. 69 of 1984) or in terms of section 44 of the Companies Act, 1973 (Act No. 61 of 1973);*
  - (b) *of address; or*
  - (c) *of proxy or representative.*

***Date and conditions on which motor vehicle to be registered***

**Reg 7.** (1) *Subject to the provisions of subregulation (2), liability for the registration of a motor vehicle shall arise—*

- (a) *in the case of a motor vehicle to be registered for the first time in the Republic—*
  - (i) *if the motor vehicle was manufactured, on the date of completion of manufacture of such motor vehicle;*
  - (ii) *if the motor vehicle was built by a builder who is required to register as such under these regulations, on the date of completion of the building of such motor vehicle;*

- (iii) *if the motor vehicle was built up from parts by a builder who is not required to register as such under these regulations, on the date of completion of the building of such motor vehicle;*
- (iv) *if the motor vehicle was imported by an importer, on the date of arrival of such vehicle in the Republic or on the date on which such motor vehicle is cleared in terms of the provisions of the customs and excise legislation, if applicable;*
- (v) *subject to the provisions of regulation 4, if the motor vehicle was acquired outside the Republic, on the date on which such motor vehicle is brought into the Republic or on the date on which such motor vehicle is cleared in terms of the customs and excise legislation, if applicable;*
- (vi) *if it is a motor vehicle which is deemed to be registered in terms of regulation 4, on the date it ceases to be so deemed;*
- (vii) *if it is a motor vehicle which is exempt from registration in terms of regulation 5 and such exemption is withdrawn or is no longer applicable, on the date of such withdrawal or when such exemption no longer applies;*
- (viii) *if it is a motor vehicle that has been forfeited to the State or other authority, the date on which the motor vehicle is so forfeited;*
- (b) *in the case of a motor vehicle which was previously registered in the Republic—*
  - (i) *on the date on which the registration of such vehicle becomes null and void, in terms of regulation 6 (1) (a), (c) or (d) or, if applicable, regulation 6 (1) (e);*
  - (ii) *which was stolen and deregistered in terms of regulation 54 (4) and is recovered, on the date of release of such motor vehicle by the South African Police Service;*
  - (iii) *in the case of a motor vehicle referred to in regulation 6(1)(f), on the date referred to in regulation 23(2),*
- (c) *in the circumstances not contemplated in the foregoing provisions of this subregulation, on the date determined by the MEC concerned.*
- (2) *Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1) (b) may be operated on a public road for a period of 21 days after the date of liability referred to in this regulation in order to register such vehicle while the licence number allocated thereto and the licence disc issued in respect thereof are displayed in the manner contemplated in regulations 35 and 36 respectively.*
- (3) *If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in subregulation (1) shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.*

### ***Manner of application for registration of motor vehicle***

- Reg 8.** (1) *An application for the registration of a motor vehicle, other than a motor vehicle referred to in regulation 15, shall, subject to subregulations (3) and (4), be made by the title holder within 21 days after the date of liability referred to in regulation 7, to the appropriate registering authority on form RLV, or where the title holder is a manufacturer, builder or importer, on form MVR1-MIB as shown in Schedule 2.*
- (2) *An application referred to in subregulation (1) shall, subject to regulations 9 to 12A, be accompanied by—*

- (a) *the acceptable identification of the title holder of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;*
- (b) *the acceptable identification of the owner of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;*
- (c) *the appropriate registration fees as determined by the MEC of the province concerned, and, if applicable, any penalties and arrear fees as referred to in regulations 57 and 59;*
- (d) *if the motor vehicle is registered, the registration certificate concerned: Provided that the provisions of this paragraph shall not apply to an applicant—*
  - (i) *if the motor vehicle concerned has been repossessed and the person who obtained the registration certificate under road traffic laws previously applicable, refuses to hand over the registration certificate to the applicant, and the provisions of regulation 11 have been complied with and such applicant submits a South African Police Service clearance of the motor vehicle;*
  - (ii) *if the registration certificate is lost and the applicant can prove that a notification of change of title holder or change of owner, indicating that the applicant is the new title holder or owner, was given in terms of regulation 53 (3) or (4), and such applicant submits a South African Police Service clearance of the motor vehicle as well as an affidavit explaining the circumstances under which the registration certificate was lost;*
  - (iii) *if the title holder cannot be traced and no notice of change of title holder was given as contemplated in regulation 53 (3), and the applicant concerned submits a South African Police Service clearance of the motor vehicle as well as an affidavit explaining the circumstances under which the registration certificate cannot be submitted;*
- (e) *in the case of a motor vehicle which is being registered for the first time, a duly completed form COO as shown in Schedule 2, or a certificate issued by the manufacturer, builder or importer on the official documentation of such manufacturer, builder or importer, containing—*
  - (i) *the chassis number as contemplated in regulation 56(2) expressed in not more than 17 alpha-numerical characters;*
  - (ii) *if applicable, the engine number expressed in not more than 20 alpha-numerical characters;*
  - (iii) *the make expressed in not more than 30 alpha-numerical characters;*
  - (iv) *the model name expressed in not more than 20 alpha-numerical characters and the model-derivative expressed in not more than 20 alpha-numerical characters, neither of which, for the purpose of this subregulation shall include the year of manufacture;*
  - (v) *other than in the case of a motor cycle, motor tricycle or motor quadrucycle, the tare in kilograms expressed in not more than five figures;*
  - (vi) *if applicable, the engine capacity in cubic centimetres expressed in not more than five figures;*
  - (vii) *in the case of a minibus, bus or goods vehicle, the gross vehicle mass in kilograms expressed in not more than six figures;*
  - (viii) *if applicable, the nett engine power to the nearest kilowatt expressed in not more than three figures;*

- (ix) *the main colour; and*
  - (x) *the model number referred to in regulation 41 (a) (ii) or a letter of authority as contemplated in regulation 43, of the motor vehicle concerned;*
  - (f) *if the tare has changed due to any reason, a mass measuring certificate obtained in the manner prescribed in regulation 66;*
  - (g) *in the case of a vehicle to which standard specification SABS 1398 “Road tank vehicles for petroleum based flammable liquids” or standard specification SABS 1518 “Transportation of dangerous goods – design requirements for road tankers” applies, a certificate of compliance with the provisions of such standard specifications, issued by the manufacturer, the manufacturer’s agent duly appointed as such, or an approved authority;*
  - (h) *a South African Police Service clearance of the motor vehicle if required in terms of this Chapter;*
  - (i) *certification of roadworthiness in the case of a motor vehicle referred to in regulation 43 (3);*
  - (j) *if required by the registering authority—*
    - (i) *proof of the right to be registered as title holder of the motor vehicle concerned;*
    - (ii) *proof of compliance with the provisions of the customs and excise legislation;*
    - (iii) *where doubt exists regarding the tare of the motor vehicle concerned, a mass measuring certificate obtained in the manner prescribed in regulation 66; and*
    - (iv) *Delete*
  - (k) *any other documentation required by the MEC concerned.*
- (3) *If liability for the registration of a motor vehicle arises due to the sale of such motor vehicle by a motor dealer to a bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), so that such bank may sell or lease such motor vehicle to a client of it and if the appropriate registering authority of the title holder of such motor vehicle, is the same authority as that of such motor dealer, the motor dealer concerned shall submit the application referred to in subregulation (1) to the appropriate registering authority and shall complete and sign such application on behalf of the bank if so authorised by way of a letter of authorisation.*
- (4) *If the title holder of the motor vehicle concerned does not permanently reside or carry on business in the Republic, the owner of such motor vehicle shall submit the application for registration of such motor vehicle to the appropriate registering authority.*
- (5) *A manufacturer, builder or importer, as the case may be, shall, when disposing of a motor vehicle manufactured, built, modified or imported by him or her, furnish the new title holder of such motor vehicle with the certificate referred to in subregulation (2) (e) or the registration certificate referred to in regulation 16.*

#### ***Additional requirements for registration of motor vehicle built up from parts***

**Reg 9.** *An application for the registration of a motor vehicle built up from parts by a builder who is not required to register as such under these regulations shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by—*

- (a) *an affidavit on form SOA as shown in Schedule 2, stating the parts used, the person from whom such parts were acquired and, attached to such form, the receipts of the purchase or donation of such parts;*
- (b) *if such motor vehicle has been built up from a motor vehicle which has become permanently unfit for use as a motor vehicle and has been deregistered in terms of regulation 55(3), the deregistration certificate in respect of such motor vehicle, or an affidavit containing evidence of the fact that the motor vehicle was previously permanently unfit for use; and*
- (c) *a South African Police Service clearance of the motor vehicle.*

***Additional requirements for registration of deregistered motor vehicle***

**Reg. 9A.** *An application for the registration of a motor vehicle referred to in regulation 6(1)(b) or (f) shall, In addition to the requirements and documents referred to in regulation 8, be accompanied by -*

- (a) *the deregistration certificate issued in respect of such vehicle: Provided that the provisions of this paragraph shall not apply to an applicant if the deregistration certificate is lost, destroyed or stolen and the applicant can prove that he/she is the title holder, and such applicant submits an affidavit explaining the circumstances under which the deregistration certificate was lost, destroyed or stolen;*
- (b) *a mass measuring certificate obtained in the manner prescribed in regulation 66; and*
- (c) *a South African Police Service clearance of the motor vehicle.*

***Additional requirements for registration of motor vehicle deregistered due to not being licensed***

**Reg 9B.** *An application for the registration of a motor vehicle referred to in regulation 26A shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by-*

- (a) *the registration certificate issued in respect of such vehicle: Provided that the provisions of this paragraph shall not apply to an applicant if the registration certificate is lost, destroyed or stolen and the applicant can prove that he/she is the title holder, and such applicant submits an affidavit explaining the circumstances under which the registration certificate was lost, destroyed or stolen;*
- (b) *a mass measuring certificate obtained in the manner prescribed in regulation 66; and*
- (c) *a South African Police Service clearance of the motor vehicle.*

***Additional requirements for registration of motor vehicle acquired from the estate of deceased person***

**Reg 10.** *An application for the registration of a motor vehicle which has been acquired from the estate of a deceased person referred to in regulation 6(1)(d) shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by a document substantiating the circumstances under which such motor vehicle was acquired.*

***Additional requirements for registration of repossessed motor vehicle***

**Reg 11.** *An application for the registration of a motor vehicle which has been repossessed by the title holder referred to in regulation 6(1)(c) shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by a certified copy of—*

- (a) the court order; or*
- (b) the voluntary surrender documentation: Provided that an affidavit made by the title holder of that motor vehicle stating the circumstances under which the vehicle was repossessed may be submitted in the case where the voluntary surrender documentation cannot be obtained, as proof of the right of the title holder to repossess such motor vehicle.*

***Additional requirements for registration of motor vehicle acquired outside borders of Republic***

**Reg 12.** *An application for the registration of a motor vehicle acquired outside the borders of the Republic referred to in regulation 7(1)(a)(iv) or (v), shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by—*

- (a) written proof of compliance with the provisions of customs and excise legislation;*
- (b) if such motor vehicle is registered outside the Republic, the documents relating to the registration and licensing of the motor vehicle concerned issued in the country where such motor vehicle is registered;*
- (c) a South African Police Service clearance of the motor vehicle; and*
- (d) a letter of authority referred to in regulation 43(1)(b).*

***Additional requirements for registration of motor vehicle previously reported as stolen***

**Reg 12A.** *An application for the registration of a motor vehicle previously deregistered as stolen shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by—*

- (a) the deregistration certificate issued in terms of regulation 54 (4) in respect of such motor vehicle, or an affidavit containing evidence of the fact that the motor vehicle was previously reported as stolen;*
- (b) a South African Police Service clearance of the motor vehicle; and*
- (c) duly completed form CCL as shown in Schedule 2.*

***Manner of registration of motor vehicle***

**Reg 13.** *(1) On receipt of the application for registration the registering authority may, and if the applicant so requires shall, issue an assessment showing the penalties and fees referred to in regulation 8 (2) (c), for the registration of the motor vehicle concerned.*

*(2A) The registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order, in the event that the register of motor vehicles can be accessed immediately—*

- (a) register the motor vehicle concerned;*
- (b) record in the register of motor vehicles the particulars in relation to the—*

- (aa) *motor vehicle concerned; and*
    - (bb) *title holder and owner of such motor vehicle; and*
  - (c) *issue a registration certificate on form RC1 as shown in Schedule 2 to the title holder, who shall be responsible for its safe-keeping; or*
- (2B) *The registering authority may, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order, in the event that the register of motor vehicles can not be accessed immediately-*
- (a) *issue a manual certificate on form RC1-M as shown in Schedule 2 free of charge to confirm to the title holder that the documentation is in order and that a registration certificate will be issued to him or her as soon as the register of motor vehicles can be updated; and*
  - (b) *act as prescribed in paragraph (2A) as soon as the register of motor vehicles can be accessed and updated, and if the registering authority is satisfied that the application is in order.*
- (3) *The title holder shall upon registration of the motor vehicle concerned, forthwith notify the owner of such registration.*
- (4) *A motor vehicle shall be recorded as "built-up" in the register of motor vehicles if—*
- (a) *it is being registered for the first time and it has been manufactured, built, modified or imported by a manufacturer, builder or importer—*
    - (i) *which has not been registered as such;*
    - (ii) *which is not required to be registered as such; or*
    - (iii) *has been registered as such in terms of regulation 40 (2) subject to the condition or conditions referred to in regulation 41 (b) (ii) or (iii),*  
*and in respect of which no certification of roadworthiness referred to in regulation 141 (2) was issued;*
  - (b) *the vehicle was deregistered in terms of regulation 55 as permanently unfit for use; or*
  - (c) *the motor vehicle was previously registered as "built-up".*
- (5) *A motor vehicle shall be recorded as "used" in the register of motor vehicles if such vehicle was deregistered in terms of regulation 26A or 54(4) and was recorded as "new" or "used" prior to such deregistration, or if such vehicle was exempt from registration in terms of regulation 5 and such exemption was withdrawn or no longer applies, and*
- (6) *A motor vehicle shall be recorded as "allowed to convey dangerous goods" in the register of motor vehicles if standard specification SABS 1398 "Road tank vehicles for petroleum based flammable liquids" or standard specification SABS 1518 "Transportation of dangerous goods - design requirements for road tankers" applies to such vehicle.*
- (7) *A chassis or a cab and chassis shall be recorded as "under construction" in the register of motor vehicles.*
- (8) *A motor vehicle which is a motor vehicle referred to in regulation 200 or which is a motor cycle, motor tricycle or motor quadrucycle not designed for use on a public road, generally known as an off-road motor vehicle, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act, shall be recorded as "not roadworthy" in the register of motor vehicles.*



### ***Prohibition of registration of permanently demolished motor vehicle***

**Reg 13A.** *A motor vehicle which was deregistered in terms of regulation 55 as permanently demolished, shall not be registered.*

### ***Application by and appointment of manufacturer or importer as agent of registering authority***

- Reg 14.** (1) *A registered manufacturer or registered importer may for the purposes of section 5(5) of the Act apply to the registering authority in whose area of jurisdiction such manufacturer or importer is engaged in the business of selling motor vehicles, to be appointed an agent of such registering authority with the powers, functions and duties contemplated in regulation 15.*
- (2) *The said registering authority may, or shall if requested by the MEC, forward the application to the MEC for evaluation.*
- (3) *The MEC may, upon receipt of the application, appoint any registered manufacturer or importer as agent of the registering authority that received the application.*

### ***Introduction of motor vehicles by manufacturer or importer appointed as agent***

- Reg 15.** (1) *A manufacturer or importer who is an agent of a registering authority, shall, within 7 days from the date of liability referred to in regulation 7(1) introduce the motor vehicle manufactured or imported, as the case may be, by such manufacturer or importer, by recording the particulars in relation to—*
- (a) *the motor vehicle concerned; and*
- (b) *the title holder and owner of such motor vehicle,*
- in the register of motor vehicles and such introduction shall be deemed to be registration of the vehicle for the purposes of section 5(5) of the Act.*
- (2) *The said manufacturer or importer shall, in respect of every motor vehicle manufactured or imported by him or her, record in the register of motor vehicles—*
- (a) *any change of title holder or owner;*
- (b) *any change of the particulars in relation to the motor vehicle; and*
- (c) *if the motor vehicle was exported, stolen, or de-registered,*
- until that manufacturer or importer records on the register of motor vehicles that the motor vehicle concerned was released for sale, or until a registering authority records a change of title holder or owner on the register of motor vehicles in terms of regulation 13, or until such registering authority issues a registration certificate with respect to the vehicle concerned in terms of regulation 16, whichever event is the earlier.*
- (3) *The said manufacturer or importer shall not be liable for payment of the registration fees referred to in regulation 8(2)(c) in respect of motor vehicles introduced by such manufacturer or importer in the manner contemplated in subregulation (1).*

***Application for registration certificate in respect of motor vehicle introduced by manufacturer or importer***

- Reg 16.** (1) *The title holder or owner of a motor vehicle referred to in regulation 15(1), may prior to the registration of such motor vehicle, apply on form ACV as shown in Schedule 2 to his or her appropriate registering authority for the registration certificate in respect of that motor vehicle.*
- (2) *An application referred to in subregulation (1) shall be accompanied by—*
- (a) *the acceptable identification of the title holder or owner of the motor vehicle, whatever the case may be, and in the case of a body of persons, that of its proxy and representative and a letter of proxy;*
  - (b) *the appropriate fees as determined by the MEC of the province concerned;*
  - (c) *the certificate from the manufacturer, builder or importer of such motor vehicle referred to in regulation 8(2)(e);*
  - (d) *any other document required by the MEC concerned.*
- (3) *On receipt of the said application, the registering authority shall, if satisfied that the application is in order, issue the registration certificate to the title holder or owner, whatever the case may be, on form RC1 as shown in Schedule 2.*

***Deregistration of registered motor vehicle which becomes exempt from registration***

- Reg 17.** (1) *If a registered motor vehicle becomes exempt from registration in terms of regulation 5, the title holder of such motor vehicle shall apply for the deregistration of such motor vehicle on form ADV, as shown in Schedule 2, to the appropriate registering authority.*
- (2) *The application referred to in subregulation (1) shall be accompanied by—*
- (a) *the acceptable identification of the title holder and, if the title holder is a body of persons, that of its proxy and representative and a letter of proxy; and*
  - (b) *the registration certificate of the motor vehicle concerned.*
- (3) *On receipt of the application referred to in subregulation (1), the registering authority shall—*
- (a) *satisfy itself that the application is in order;*
  - (b) *update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles; and*
  - (c) *issue a deregistration certificate on form VDC as shown in Schedule 2, to the title holder of the motor vehicle concerned.*
- (4) *If a motor vehicle record has been updated in terms of subregulation (3)(b), the record of the motor vehicle may be moved to the archive of the register on any date five years after the date on which such update took place.*

### ***Motor vehicle to be licensed***

**Reg 18.** *Subject to the provisions of regulations 19 and 20, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of this Part, with the appropriate registering authority.*

### ***Motor vehicle deemed to be licensed***

- Reg 19.**
- (1) *A motor vehicle which is deemed to be registered in terms of regulation 4 shall be deemed to be licensed in terms of this Part.*
  - (2) *A motor vehicle owned by a motor dealer for the purposes of sale or exchange in the course of his or her business as a motor dealer and if such motor vehicle is not operated on a public road, except under a motor trade number, shall be deemed to be licensed in terms of this Part.*
  - (3) *A motor vehicle which is in a manufacturer's or importer's possession for the purpose of selling or exchanging it in the course of his or her business of selling motor vehicles, which motor vehicle—*
    - (a) *is introduced in the manner contemplated in regulation 15(1) by such manufacturer or importer; and*
    - (b) *is not operated on a public road, except under a motor trade number,*  
*shall be deemed to be licensed in terms of this Part.*
  - (3A) *A previously stolen motor vehicle that was recovered by the South African Police Service, of which the original title holder or owner cannot be traced, and which is owned by the South African Police Service for the purpose of selling it, is deemed to be licensed in terms of this Part if it is not operated on a public road, except under a motor trade number.*
  - (4) *A motor vehicle referred to in subregulation (1), shall no longer be deemed to be licensed, with effect from the date referred to in regulation 4(3), and the owner of such motor vehicle shall be liable to licence such motor vehicle in terms of this Part.*

### ***Motor vehicle exempt from licensing***

**Reg 20.** *A motor vehicle which is exempt from registration in terms of regulation 5, and a motor quadrucycle, shall not be required to be licensed in terms of this Part.*

### ***Special classification of motor vehicle in relation to motor vehicle licence fees***

- Reg 21.**
- (1) *The owner of a motor vehicle, other than a breakdown vehicle—*
    - (a) *which is a trailer drawn by a tractor and not operated on a public road;*
    - (b) *which is a tractor and not operated on a public road;*
    - (c) *which was, in the opinion of the MEC, reconstructed solely for use within the confines of private property, and is so used;*
    - (d) *which-*

- (i) *has been adapted, rebuilt or changed to be used solely for racing purposes as a stock-car, racing car or racing cycle;*
- (ii) *has been certified by the secretary of the racing club of which the owner of the motor vehicle is a member, as being solely used for racing purposes;*
- (iii) *has been registered for the purpose of racing; and*
- (iv) *is not operated on a public road;*
- (e) *which is a vintage vehicle and which is used solely—*
  - (i) *in any race or sport referred to in regulation 317;*
  - (ii) *in an event organised by a properly constituted motor club; or*
  - (iii) *for exhibition purposes;*
- (f) *which is a fire-fighting vehicle;*
- (g) *which may only be operated on a public road under an exemption in terms of the Act, or*
- (h) *which is not a tractor or a caravan and which has not been adapted or originally designed for the conveyance of persons, excluding the driver only, or of goods, or both,*

*may apply to the MEC concerned for special classification of the vehicle concerned with respect to motor vehicle licence fees by, at his or her appropriate registering authority, making a declaration on form ELF1 to the effect that the vehicle is as contemplated in paragraphs (a), (b), (c), (d), (e), (f) or (g) accompanied by—*

- (i) *the acceptable identification of the owner; and*
  - (ii) *additional information or documents required by the MEC concerned, if any.*
- (2) (a) *The MEC shall consider the application and notify the applicant and registering authority concerned accordingly.*
  - (b) *If the application is granted, the registering authority shall issue a certificate of special classification on form ELF3 to the owner and record the particulars of the special classification on the register of motor vehicles.*
  - (3) *The owner shall submit the certificate of special classification upon licensing of the vehicle concerned.*
  - (4) *For the purposes of this regulation, the words “operated on a public road” shall not be construed to include the presence of such motor vehicle on a public road for the purpose of—*
    - (a) *being driven to the premises of the owner in order for the owner to take delivery thereof;*
    - (b) *crossing a public road from the premises of the owner to another over a distance of not more than one kilometre; or*
    - (c) *proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.*

- (5) *Deleted*

- (6) (a) *The owner of a motor vehicle, other than a motor vehicle conveying persons or goods for reward, who-*
  - (i) *receives a pension in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976);*
  - (ii) *suffers from a pensionable disability which has been determined at not less than 50 percent in terms of that Act; and*
  - (iii) *by reason of such disability requires the use of such motor vehicle to enable him or her to earn his or her livelihood,*  
*may apply to the MEC on form ELF1 as shown in Schedule 2, to specially classify such motor vehicle, in relation to the payment of motor vehicle licence fees, and such application shall be accompanied by—*
    - (aa) *the acceptable identification of the owner; and*
    - (bb) *any additional information or documents as may be required by the MEC concerned.*
- (b) *On receipt of the application referred to in paragraph (a), the MEC concerned shall—*
  - (i) *consider such application;*
  - (ii) *notify the applicant concerned and the appropriate registering authority accordingly; and*
  - (iii) *if the application is granted,*
    - (aa) *issue a certificate of classification on form ELF 3 as shown in Schedule 2; and*
    - (bb) *record such classification on the register of motor vehicles.*
- (c) *On receipt of the certificate of special classification referred to in paragraph (b)(iii)(aa), the owner shall submit such certificate to the appropriate registering authority when applying for the licensing of the motor vehicle in terms of regulation 24 or 30.*
- (d) *This subregulation shall only apply for a period of 12 months from the date of commencement of this regulation, after which date any certificate issued under it, shall be invalid.*
- (7) (a) *The MEC may at any time cancel a certificate of special classification issued in terms of this regulation and notify the owner and registering authority concerned accordingly.*
- (b) *The registering authority shall update the register of motor vehicles upon receipt of a notification contemplated in paragraph (a).*
- (8) *If a motor vehicle which has been specially classified under this regulation is operated on a public road contrary to the conditions of its classification, such motor vehicle shall no longer be so specially classified and the owner of such motor vehicle shall be liable for the licensing thereof with effect from the date upon which it is so operated.*
- (9) *A special fee as determined by the MEC of the province concerned shall be payable upon issuance of a motor vehicle licence in respect to a motor vehicle that was specially classified under this regulation.*

***Date on which motor vehicle licence and licence disc of a motor vehicle becomes null and void***

**Reg 22.** (1) *The motor vehicle licence and licence disc of a motor vehicle shall become null and void on the date—*

- (a) *referred to in regulation 25(5) or 31(1);*
  - (b) *on which a new licence number is allocated as referred to in regulation 29;*
  - (c) *on which a personalised licence number is allocated under regulation 28(5);*
  - (d) *of issue of an acknowledgement of receipt in terms of regulation 54(4)(d) or 55(3)(c) in respect of the motor vehicle concerned;*
  - (e) *of deregistration in terms of this Chapter;*
  - (f) *of change of owner of such motor vehicle, which includes for the purposes of this paragraph every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of “appropriate registering authority” in regulation 1, but if the owner of a motor vehicle is a partnership and a change of owner of such motor vehicle occurs by reason of one of the partners dying or ceasing to be a partner of such partnership or a new partner being admitted thereto, the registering authority concerned may, upon written application by or on behalf of such partnership, determine that no change of owner shall be deemed to have occurred in respect of such motor vehicle;*
  - (g) *on which the motor vehicle is acquired or the estate is wound up, whichever date is the earlier, if the motor vehicle concerned is acquired from the estate of a deceased person;*
  - (h) *if the motor vehicle is subject to an instalment sale transaction or leasing transaction as defined in the Credit Agreements Act, 1980 (Act No.75 of 1980), 31 days from the date of repossession of the motor vehicle concerned by the title holder (credit grantor): Provided that the motor vehicle licence and licence disc of a motor vehicle of which the owner fulfils his or her obligation in terms of section 12 of the said Act, does not become null and void;*
  - (i) *determined by the MEC concerned in any circumstances not contemplated in this regulation;*
  - (j) *the operator card in respect of such motor vehicle expires or is no longer applicable to such motor vehicle.*
- (2) *The words “change of owner” excludes for the purposes of this regulation a change—*
- (a) *of name in terms of sections 24 to 26 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), in terms of section 56(1) of the Banks Act, 1990 (Act No. 94 of 1990), in terms of sections 19 to 20 of the Close Corporations Act, 1984 (Act No. 69 of 1984) or in terms of section 44 of the Companies Act, 1973 (Act No. 61 of 1973);*
  - (b) *of address; or*
  - (c) *of proxy or representative.*

### ***Date on which motor vehicle to be licensed***

- Reg 23.** (1) *Subject to the provisions of subregulation (3), liability for the licensing of a motor vehicle shall arise on the date—*
- (a) *on which liability for the registration of such motor vehicle arises in terms of regulation 7;*
  - (b) *on which a new licence number is allocated as referred to in regulation 29;*
  - (c) *on which a personalised licence number is allocated under regulation 28(5);*
  - (d) *referred to in regulation 31(1);*
  - (e) *of expiry of the licence of such motor vehicle in terms of regulation 26;*
  - (f) *of release by the South African Police Service, if it is a motor vehicle which has been stolen and has not been deregistered in terms of regulation 54(4), and has been recovered;*
  - (fA) *of release by the South African Police Service of an impounded vehicle referred to in regulation 55A, if that vehicle is released after the date of expiry of the licence of that vehicle;*
  - (g) *a new operator card is required for such motor vehicle in terms of regulations 267 or 270;*
  - (h) *determined by the MEC concerned in any circumstances not contemplated in the foregoing provisions.*
- (2) *The date of liability referred to in subregulation (1)(e) shall be construed to arise on the first day of the month following the date of expiry of the existing licence.*
- (3) *Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date referred to in that subregulation, be operated on a public road while the licence number allocated to such motor vehicle and the licence disc issued in respect of such motor vehicle prior to the date on which the motor vehicle licence and licence disc became null and void, are displayed in the manner contemplated in regulations 35 and 36.*
- (4) *If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in subregulation (1), shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.*

### ***Manner of application for licensing of motor vehicle***

- Reg 24.** (1) *An application for the licensing of a motor vehicle, shall be made by the owner of such motor vehicle, within 21 days after the date of liability referred to in regulation 23, on form RLV or ALV as shown in Schedule 2, to the appropriate registering authority but the owner may licence his or her motor vehicle on any date prior to the date of liability referred to in regulation 23 for a further period of 12 months and the provisions of subregulation (3) are applicable to such transaction.*

- (2) *An application referred to in subregulation (1) shall be accompanied by—*
- (a) *acceptable identification of the owner of the motor vehicle and, if the owner is a body of persons, acceptable identification of its proxy and representative and a letter of proxy;*
  - (b) *the appropriate motor vehicle licence fees as determined by the MEC of the province concerned;*
  - (c) *if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59;*
  - (d) *if required in terms of regulation 138(1), a certification of roadworthiness issued under regulation 141(2);*
  - (e) *if applicable, a certificate of classification or a declaration in respect of the motor vehicle in relation to motor vehicle licence fees, as contemplated in regulation 21(2) and (6);*
  - (f) *if the motor vehicle concerned is owned by the South African Police Service, a licence number referred to in regulation 27(5)(b) allocated by the South African Police Service;*
  - (g) *if applicable, the motor vehicle licence; and*
  - (h) *if required, a South African Police Service clearance of the motor vehicle as contemplated in regulations 31(2) and 54(6).*
- (3) *If an application is made in terms of subregulation (1) and the owner of the motor vehicle submits a motor vehicle licence of which the period of validity has not yet expired, the fees payable for the licence so applied for, shall be reduced by one twelfth per month or part thereof for every month such licence is still valid:*

*Provided that the motor vehicle licence fees payable for the licence in respect of a motor vehicle referred to in regulations 17, 54(1)(c) and 55(1)(b), shall not be so reduced.*

### ***Manner of licensing of motor vehicle***

#### ***Reg 25.***

- (1) *On receipt of the application for licensing of a motor vehicle, the registering authority may, and if the applicant so requires, shall issue an assessment showing the appropriate motor vehicle licence fees as determined by the MEC of the province concerned and the arrear fees and penalties referred to in regulations 57 and 59, for the licensing of the motor vehicle concerned.*
- (2) *The registering authority shall, subject to the provisions of regulation 59 (2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order—*
  - (a) *licence the motor vehicle concerned;*
  - (b) *allocate a licence number to the motor vehicle concerned, if applicable;*
  - (c) *update the particulars pertaining to such motor vehicle in the register of motor vehicles;*
  - (d) *issue a motor vehicle licence on form MVLI, MVLI-M, MVLI-RW, MV LX, LCO or LCTO as shown in Schedule 2 to the owner of such motor vehicle;*



- (e) *subject to the provisions of subregulation (5), issue a licence disc on form MVL1, MVL1-M, MVL1-RW, MVLX, LCO or LCTO as shown in Schedule 2, which serves as proof that the motor vehicle is licensed; and*
- (3) (a) *If a licence number referred to in subregulation (2) (b) has been erroneously allocated to a motor vehicle, the registering authority concerned shall request the owner of such motor vehicle in writing to deliver to it within a period of 21 days after the date of such request, all documents pertaining to the licensing of such vehicle.*
- (b) *On the expiry of the period referred to in paragraph (a), the licensing, as well as all documents mentioned in that paragraph shall become null and void.*
- (c) *On receipt of the documents referred to in paragraph (a), the registering authority shall issue a licence as from the date on which the original application was made for the vehicle concerned, on which the newly allocated licence number shall appear.*
- (4) *The licence disc referred to in subregulation (2) (e) shall be completed in black non-fading ink.*
- (5) *If a certification of roadworthiness is required in terms of regulation 138 and the application referred to in regulation 24 is not accompanied by a certification of roadworthiness issued under regulation 141 (2), the registering authority shall not issue a licence disc, until the owner of such motor vehicle submits such certification of roadworthiness: Provided that if such certification of roadworthiness is submitted after the month in which such motor vehicle is licensed, the licence of such motor vehicle shall become null and void on the day such certification of roadworthiness is submitted and on such date the owner shall become liable for the licensing of such vehicle.*
- (6) *When the owner of the motor vehicle referred to in subregulation (5) obtains a certification of roadworthiness, he or she shall—*
  - (a) *submit such certification to the appropriate registering authority; and*
  - (b) *apply on form RLV or ALV as shown in Schedule 2, for a licence disc in respect of the motor vehicle concerned.*
- (7) *The registering authority may refuse to issue a licence disc in respect of a motor vehicle —*
  - (a) *which may not be operated on a public road as referred to in regulation 21(1)(a), (b), (c), (d) and (g);*
  - (b) *the owner of which owes any penalties or fees in terms of the provisions of this Act;*
  - (bA) *referred to in Regulation 13(8);*
  - (c) *the owner of which is also the owner of another motor vehicle the licence of which has expired more than 23 days ago;*
  - (d) *in respect of which a South African Police Service clearance has to be submitted;*
  - (e) *if a warrant of arrest in respect of an offence in terms of this Act has been issued in respect of the owner of such motor vehicle;*
  - (f) *the operator card of which has been suspended; or*
  - (g) *the owner of which has not been identified by means of acceptable identification as referred to in regulation 1.*
- (8) *When a motor vehicle referred to in subregulation (6) does not comply with the conditions referred to in subregulation (6) anymore, the owner of the motor vehicle shall*

*apply on form ALV or RLV as shown in Schedule 2, for the licensing of the motor vehicle concerned.*

### ***Electronic motor vehicle licensing***

- Reg 25A** (1) *If the MEC concerned deems it expedient, he or she may allow for the licensing of a motor vehicle by the owner thereof through a bank's Automatic Teller Machine (ATM) or other form of electronic means.*
- (2) *Upon the licensing of a motor vehicle in the manner contemplated in subregulation (1), the owner shall pay—*
- (a) *the appropriate motor vehicle licence fees as determined by the MEC of the Province concerned; and*
  - (b) *if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59.*
- (3) *On receipt of the licence information from the Bank concerned, the motor vehicle as referred to in subregulation (1), the Department shall licence the motor vehicle in the manner contemplated in regulation 25.*

### ***Period of validity of motor vehicle licence and licence disc***

- Reg 26.** (1) *Subject to subregulation (2), a motor vehicle licence and licence disc shall be valid for a period of 12 months from the first day of the month in which such licence and licence disc were issued and the date of expiry of such licence shall be shown on the motor vehicle licence and licence disc.*
- (2) *In the case where the owner applies for a licence as contemplated in regulation 30(2) before the expiry date of such licence and licence disc, the period of validity of the new licence and licence disc so applied for shall be calculated from the first day of the month which follows on the expiry date of the current licence and licence disc.*

### ***Consequences of failure to licence motor vehicle***

- Reg 26A.** (1) *If a motor vehicle is required to be licensed in terms of the provisions of this Chapter and an application for the licensing of the motor vehicle is not received within four years from the date of liability referred to in regulation 23(1)(e) and 23(2), the motor vehicle concerned shall be deregistered.*
- (2) *If a motor vehicle is deregistered in terms of subregulation (1), the title holder thereof shall, on the date referred to in regulation 7(1)(b)(iii), be liable to register such vehicle in terms of regulations 8 and 9B and the owner shall be liable to license such vehicle as referred to in regulation 24.*
- (3) *The deregistration of the motor vehicle in terms of subregulation (1), shall not exempt the owner of the motor vehicle concerned from the liability to license such motor vehicle in terms of regulation 18 or from the payment of the penalties and arrear licence fees in terms of regulations 57 and 59.*
- (4) *If a motor vehicle is deregistered in terms of subregulation (1), the record of the motor vehicle shall be marked as such and may be moved to the archive of the register.*

### ***Licence mark and licence number system***

**Reg 27.** (1) *The MEC of each province shall, subject to subregulation (2), by notice in the Provincial Gazette, determine a licence mark for the province concerned.*

- (2) (a) *The MEC of a province shall by notice in the Provincial Gazette—*
- (i) *allocate a licence mark to every registering authority in the province concerned, which licence mark shall consist of a combination of letters; or*
  - (ii) *establish a licence number system for the province concerned which license number system shall consist of:*
    - (aa) *a combination of three letters and three figures in any sequence; or*
    - (bb) *a combination of two letters, two figures and two letters in any sequence:*

*and the licence mark of the province concerned, referred to in sub regulation (1): Provided that vowels and the letter "Q" shall not be used and the first letter shall not be the letter "G".*

- (b) *The MEC concerned may, subject to regulation 35, by notice in the Provincial Gazette determine a logo or landscape, a letter type, a colour for the letters and figures, and the colour of the retro-reflective surface to be displayed on a number plate, denoting the province concerned.*
  - (bA) *The MEC for the Free State Province may, notwithstanding the provisions of regulation 35, determine, in the Provincial Gazette, the type of number plate to be used to display a licence number of a motor vehicle licenced in the Free State Province.*
  - (bB) *The MEC for the Province of KwaZulu-Natal may, subject to regulation 35, by notice in the Provincial Gazette determine a logo or landscape, a letter type, a colour for the letters and figures and the colour of the retro-reflective surface to be displayed on a number plate, denoting licence numbers set aside for use by the King of the Zulu Nation.*
- (3) *Every motor vehicle licensed in a province shall be allocated with a licence number and such licence number shall, subject to subregulation (5) and regulation 28, consist of the licence mark referred to in subregulation (2)(a)(i) and figures, or the letters and figures allocated from the licence number system referred to in subregulation (2)(a)(ii).*
- (4) *The MEC may, by way of notice in the Provincial Gazette, allocate a new licence mark to any registering authority or establish a new licence number system for the province concerned.*
- (5) *The licence number of a motor vehicle—*
- (a) *the owner of which is a department of State, may consist of—*
    - (i) *the licence number allocated to the vehicle upon licensing thereof;*
    - (ii) *the letter G followed by two letters, three figures, and the letter G; or*

- (iii) any other licence number determined by the chief executive officer by notice in the Gazette;
- (b) the owner of which is the South African Police Service, may consist of three letters, three figures, followed by the letter B;
- (c) set aside for the use by the King of the Zulu Nation, shall consist of the letters ZK followed by figures or letters or combination of figures and letters.
- (d) the owner of which is—
  - (i) a foreign government, diplomat representing a foreign government, an international or inter-governmental organisation;
  - (ii) a member of staff or suite of such government or organisation; or
  - (iii) any other person or class of person determined by the Minister of Foreign Affairs,
 shall consist of such letters and figures as are determined by the Director-General: Department of Foreign Affairs but shall end in the letter “D”.

#### ***Personalised licence number system***

- Reg 28.**
- (1) The MEC may by notice in the Provincial Gazette establish a personalised licence number system for the province concerned.
  - (2) The provisions of the Act which are applicable to licence numbers shall mutatis mutandis be applicable to personalised licence numbers.
  - (3) Personalised licence numbers shall, notwithstanding anything to the contrary contained in these regulations be issued to a person upon application and subject to such conditions and upon payment of such fees or charges as are determined by the MEC of the province concerned.
  - (4) The MEC concerned may, subject to regulation 35, by notice in the Provincial Gazette determine a logo or landscape, a letter type, a colour for the letters and figures, and the colour of the retro-reflective surface to be displayed on a number plate denoting the personalised licence numbers of the province concerned.
  - (4A) Notwithstanding the provisions of regulation 35, the MEC for the Free State Province may by notice in the Provincial Gazette determine the type of number plate to be used to display a personalised number of a motor vehicle licenced in the Free State Province.
  - (4B) The MEC for the Province of KwaZulu-Natal may, subject to regulation 35, by notice in the Provincial Gazette determine a logo or landscape, a letter type, a colour for the letters and figures and the colour of the retro-reflective surface to be displayed on a number plate, denoting personalised licence numbers set aside for use by the King of the Zulu Nation.
  - (5) The person referred to in subregulation (3) may apply to the appropriate registering authority for the allocation of the personalised licence number issued under subregulation (3), to a motor vehicle of which he or she is the owner.

### ***Cancellation of personalised licence number***

- Reg 28A.** (1) *Whenever the holder of a personalised licence number has, in the opinion of the MEC concerned, contravened a condition referred to in regulation 28(3), such MEC may cancel such number.*
- (2) *If a personalised licence number referred to in subregulation (1) has been cancelled, the holder of such number shall forthwith surrender the personalised licence number plates and the documentation required by the MEC concerned, to that MEC.*
- (3) *If the holder of a personalised licence number no longer requires such number, such holder shall forthwith apply to the MEC concerned for the cancellation of such personalised licence number and such application shall be accompanied by the personalised licence number plates and the documentation required by the MEC concerned.*
- (4) *On receipt of the application referred to in subregulation (3), the MEC—*
- (a) shall cancel the personalised licence number;*
  - (b) may deface or destroy the documentation and personalised licence number plates; and*
  - (c) shall update the particulars pertaining to the personalised licence number in the register of motor vehicles.*

### ***MEC may change allocated licence number***

- Reg 29.** (1) *The MEC concerned may, upon the conditions he or she determines change the licence number allocated to a motor vehicle.*
- (2) *The MEC concerned may, subject to such conditions as he or she may determine, on application and upon payment of such fees or charges as he or she may determine, change the licence number allocated to a motor vehicle.*

### ***Motor vehicle licence assessment***

- Reg 30.** (1) (a) *If the MEC concerned deems it expedient, he or she may forward a motor vehicle licence assessment to the residential or postal address of the owner of the motor vehicle, on form MVL2 as shown in Schedule 2, for the licensing of such motor vehicle.*
- (b) *In the event that the MEC deems it expedient to forward a motor vehicle licence assessment and such assessment is not received by the owner of the vehicle, that owner shall in any event be liable for the timeous licensing of the motor vehicle concerned.*
- (2) *The owner may submit the assessment referred to in subregulation (1) to the appropriate registering authority, and such submission shall serve as an application for the licensing of the motor vehicle concerned.*
- (3) *The application referred to in subregulation (2) shall be accompanied by—*
- (a) the appropriate motor vehicle licence fees as determined by the MEC of the province concerned;*

- (b) *if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59; and*
- (c) *if required in terms of regulation 138(1), certification of roadworthiness.*
- (4) *If the owner did not receive the motor vehicle licence assessment referred to in subregulation (1), such owner shall apply for the licensing of the motor vehicle in the manner referred to in regulation 24.*
- (5) *On receipt of an application referred to in subregulation (2), the registering authority shall licence the motor vehicle in the manner contemplated in regulation 25(2).*
- (6) *If a motor vehicle is required to be licensed in terms of this Part, and an application for such licence is not received, the registering authority may, within three months from the date of liability for licensing of the motor vehicle, referred to in regulation 23, forward a notice of the failure to apply for the licensing of such motor vehicle, on form NL or NRL as shown in Schedule 2, to the owner of such motor vehicle and a copy thereof to the title holder of such motor vehicle, and such notice may again be forwarded within six months after the first notice.*

***Additional requirements for application for licensing in the case of alteration or reconstruction of registered motor vehicle***

- Reg 31.** (1) *When a motor vehicle is altered or reconstructed in such a manner and to such an extent that the motor vehicle licence or licence disc issued in respect of such motor vehicle no longer correctly describes such vehicle, such licence and licence disc shall become null and void on the date of the completion of such alteration or reconstruction and liability for the licensing of such motor vehicle shall arise on that date.*
- (2) *An application for the licensing of a motor vehicle referred to in subregulation (1), shall be made in terms of regulation 24, and in addition to the requirements and documents referred to in that regulation, be accompanied by—*
- (a) *certification of roadworthiness;*
  - (b) *a mass measuring certificate obtained in the manner referred to in regulation 66;*
  - (c) *if required by the MEC concerned, a South African Police Service Clearance of the motor vehicle concerned.*
- (3) *The registering authority shall notify the title holder of a motor vehicle of any reconstruction or alteration of such motor vehicle on form ARN as shown in Schedule 2.*

***Procedure on change of appropriate registering authority due to owner moving***

- Reg 32.** *If the address of the owner of a motor vehicle changes and the registering authority at whose office such motor vehicle is licensed, is no longer the appropriate registering authority due to such change, such owner shall be liable to apply for the licensing of such motor vehicle in the manner referred to in regulation 24 to the new appropriate registering authority on the date of expiry of the licence of such motor vehicle as contemplated in regulation 26.*

### ***Procedure on re-defining of area of registering authority***

**Reg 33.** *If a registering authority becomes the new registering authority of an area previously under the jurisdiction of another registering authority, every owner of a licensed motor vehicle for whom such new registering authority becomes the appropriate registering authority, shall, if such motor vehicle is not licensed with such new registering authority, be liable to apply to the new registering authority for the licensing of such motor vehicle in the manner referred to in regulation 24, and on the date referred to in regulation 23(1)(e).*

### ***Procedure on change of licence mark of registering authority or licence number system of province***

- Reg 34.** (1) *If the MEC of a province allocates a new licence mark to a registering authority or establishes a licence number system for a province, in terms of regulation 27(4), the owner of a motor vehicle licensed at such registering authority shall be liable to apply in the manner referred to in regulation 24 for the licensing of such motor vehicle to such registering authority on the date referred to in regulation 23(1)(e).*
- (2) *The MEC concerned may by notice in the Provincial Gazette extend the date referred to in subregulation (1).*

#### **Display of licence number Regulation 35**

An amendment was published to replace the requirement in paragraph (2)(a). This amendment is however not in force yet. The new amendment reads:

*"shall bear a self destructive certification mark"*

### ***Display of licence number***

- Reg 35.** (1) *The licence number of a motor vehicle shall be displayed on a plate, to be referred to as a number plate and which complies with standard specification SANS 1116: "Retro-reflective Registration Plates for Motor Vehicles", Part 2: "Registration plates (metal)" or Part 4: "Registration plates (plastic).*
- (2) *The number plate referred to in subregulation (1)—*
- (a) shall bear a certification mark as shown in the standard specifications referred to in subregulation (1);*
  - (b) shall have a yellow or white retro-reflective surface;*
  - (c) shall have black, dark blue, dark red or dark green letters and figures, but shall display only black letters and figures in the case of a yellow retro-reflective surface;*
  - (d) may display a logo or landscape if it appears on a white retro-reflective surface; and*
  - (e) shall be clearly legible and visible.*
- (3) *The letters and figures on a number plate shall be arranged—*
- (a) with all the letters and figures in one line; or*
  - (b) with the letters preceding the figures in one line and immediately thereunder, the figures and, if applicable, the last letter in one line;*
  - (c) with all the letters and figures and the logo or landscape in one line; or*

- (d) *with the letters or the figures and the logo or landscape in one line, and immediately thereunder—*
  - (i) *the figures and letters;*
  - (ii) *the letters and letters; or*
  - (iii) *the letters and figures,*

*and, if applicable, immediately thereunder, the letters in one line.*

- (4) *Subject to the standard specification referred to in subregulation (1), a motor vehicle may only display on number plates letters and figures of 60 millimeters on the rear of motor vehicles which has illuminated space at the rear which is too small to permit the attachment of number plates with letters or figures of 75 millimeters: Provided that no person shall display a number plate other than the size of a number plate the illuminated space is provided for; and*
- (5) *The owner of a motor vehicle shall cause the number plate of such motor vehicle to be affixed thereto, from the date of licensing of such motor vehicle, in the manner referred to in subregulation (7), whether or not such motor vehicle is operated on a public road: Provided that the provisions of this subregulation shall not apply in respect of a number plate which is removed from such motor vehicle for the purpose of effecting repairs to such motor vehicle or number plate, and while such motor vehicle is not operated on a public road.*
- (6) *No person shall operate on a public road a motor vehicle—*
  - (a) *on which a licence number or anything purporting to be a licence number, which is not applicable to such vehicle, is displayed;*
  - (b) *of which the licence number is in any way obscured or has become illegible, except if such licence number is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle;*
  - (c) *while, subject to subregulation (2)—*
    - (i) *any design appears on the number plate or if such plate is fitted to a number plate holder, on such holder; and*
    - (ii) *there appears within 150 millimetres of the licence number applicable to such motor vehicle, a design, ornamentation, figure or letter which is not a component part of the standard equipment or construction of that motor vehicle:*

*Provided that the provisions of this paragraph shall not apply to a distinguishing sign of the country of registration affixed in terms of the Convention, or to a logo or landscape determined by the MEC concerned;*

- (d) *which, if such motor vehicle is deemed to be registered and licensed by reason of it being registered or licensed in a prescribed territory, does not comply with the legislation of that prescribed territory relating to the registration and licensing of motor vehicles and matters in connection therewith;*
- (e) *which is registered in a prescribed territory, other than the Republic of Namibia, without displaying the distinguishing sign of the country of registration allocated in terms of the Convention;*
- (f) *if such vehicle is registered in the Republic and displays thereon a distinguishing sign other than the distinguishing sign allocated to the*



- (g) *in or on which a number plate is carried on which a licence number appears which is not applicable to such motor vehicle or anything purporting to be a licence number, unless he or she provides evidence that such plate was not carried with criminal intent;*
- (h) *registered in the Republic, if each number plate, which complies with subregulations (1), (2) and (3), displayed on the motor vehicle does not display the same licence number, letter type, colours, and logo or landscape; or*
- (i) *on which a number plate is displayed that does not comply with standard specification SABS 1116: "Retro-reflective Registration Plates for Motor Vehicles", Part 2: "Registration plates (metal)" or Part 4: "Registration plates (plastic)."*

- (a) *in such a manner that it is not easily detachable;*
- (b) *in an upright position or within 30 degrees of such position;*
- (c) *in such a manner that each letter and figure thereon is clearly legible;*
- (d) *in such a manner that the whole number plate is clearly visible;*
- (e) *to the back of a motor cycle, motor tricycle, motor quadrucycle or trailer;*  
*and*
- (f) *one to the back and one to the front of all other motor vehicles.*

**No. R. 931** **23 September 2009**  
**NATIONAL ROAD TRAFFIC ACT, 1996, (ACT NO. 93 OF 1996)**

I, Sibusiso Joel Ndebele, Minister of Transport, acting in terms of Section 75 read with regulation 35 of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996), hereby determine 01 April 2010 as the commencement date for the proviso clause after subregulation (f) of regulation 35 of the National Road Traffic Regulations, 2000.

May 2012  
Compilation of the National Road Traffic Act 93/1996  
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- (8) *A number plate shall, in the case of—*
  - (a) *a double-deck bus of which the engine is at the rear, be affixed not higher than one comma nine metres from ground level; or*
  - (b) *any other motor vehicle, be affixed not higher than one comma five metres from ground level.*
- (9) *The provisions of subregulation (7) in relation to legibility and visibility of a number plate which is affixed to the back of a motor vehicle, shall not apply to a motor vehicle which is towing another vehicle.*
- (10) *Any person in possession of a number plate which is not applicable to any motor vehicle of which he or she is the title holder or owner, shall destroy such number plate, unless such possession is within his or her cause and scope of employment.*

*Provided that notwithstanding the provisions of this regulation, no person shall operate on a public road a motor vehicle first registered on or after 1 January 2010, unless such motor vehicle is fitted with a 520 - 113 or 250 - 205 or 250 -165 size number plate.*

#### ***Display of licence disc or licence and roadworthy certificate disc***

- Reg 36.** (1) *The owner of a motor vehicle shall display a licence disc or licence and roadworthy certificate disc, whichever the case may be, issued in respect of such motor vehicle—*
- (a) *if the motor vehicle is fitted with a transparent windscreen, by affixing it on the lower left hand corner in such a manner that the print on the face of the licence disc or licence and roadworthy certificate disc, whichever the case may be, is clearly legible from the outside to a person standing in front or to the left front of such vehicle;*
  - (b) *if the motor vehicle is not fitted with a transparent windscreen, by affixing it in a conspicuous position on the left front side of such motor vehicle in such a manner that the print on the face of such a licence disc or licence and roadworthy certificate disc, whichever the case may be, is clearly legible from that side; or*
  - (c) *if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is required to be displayed on a motor vehicle in a position where it is exposed to the weather, be protected by affixing such licence disc or licence and roadworthy certificate disc, whichever the case may be, on the inside of the transparent front of a durable watertight holder.*
- (2) *No person shall operate on a public road a motor vehicle on which is displayed a licence disc or a licence and roadworthy certificate disc, whichever the case may be, or anything purporting to be a licence disc or licence and roadworthy certificate disc—*
- (a) *which is not applicable to such motor vehicle;*
  - (b) *which is in any way obscured or has become illegible, except if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.*

- (3) (a) *No person shall operate on a public road, a motor vehicle that is not registered and licenced or not licenced, unless such vehicle is exempt from registration and licencing as contemplated in regulation 5.*
- (b) *No person shall operate a motor vehicle on a public road unless a valid licence disc or licence disc and roadworthy certificate is displayed on such motor vehicle as contemplated in subregulation (1).*
- (c) *No person shall operate a motor vehicle on a public road unless a valid temporary import permit is displayed on such motor vehicle, if such permit is required in terms of Custom and Excise legislation.*

***Procedure for refund of motor vehicle licence fees***

- Reg 37.** (1) *The owner of a motor vehicle which has been—*
- (a) *reported stolen as referred to in regulation 54 (1) (c);*
  - (b) *reported permanently unfit for use as a motor vehicle or as permanently demolished as referred to in regulation 55 (1) (b); or*
  - (c) *deregistered in terms of regulation 17,*
- may apply for a refund of an amount calculated at one twelfth of the motor vehicle licence fees paid in respect of such motor vehicle in terms of regulation 25 (2) for every month for which the motor vehicle licence remains valid, on the day immediately preceding the day on which the owner becomes exempt from liability for licensing of the motor vehicle concerned in terms of regulation 54 (5) or 55 (4) or is deregistered in terms of regulation 17.*
- (2) *The owner of the motor vehicle referred to in subregulation (1) shall, within a period not exceeding three months after the date of notification in terms of regulation 54(1) or 55(1) or the date of deregistration, apply to the MEC of the province to which such owner has paid the motor vehicle licence fees referred to in subregulation (1), for a refund of the motor vehicle licence fees, on a form similar to form RLF or on form RLF, as shown in Schedule 2.*
  - (3) *On receipt of the application referred to in subregulation (2), the MEC concerned may refund the owner of the motor vehicle referred to in subregulation (1), with the amount referred to in subregulation (1) but an amount of less than R100 shall not be refunded.*

➤ ***SEE Regulations 38 to 51 from PAGE 86 - 94***

***Procedure for change of particulars of title holder or owner of registered motor vehicle***

- Reg 52.** (1) *If the postal or street address, proxy or representative of the title holder or owner of a motor vehicle which is registered in terms of these regulations, changes, such title holder or owner shall, within a period of 21 days after such change, notify the appropriate registering authority of such change on form NCP as shown in Schedule 2.*
- (2) *If the name or identification number as reflected in the acceptable identification of the title holder or owner of a motor vehicle registered in terms of these regulation changes, such title holder or owner shall within a period of 21 days after such change—*
    - (a) *notify the appropriate registering authority of such change on form NCP*

*as shown in Schedule 2; and*

- (b) submit the new acceptable identification.*
- (3) Where a change referred to in subregulation (2) occurs in respect of a title holder, such title holder shall submit every registration certificate issued to him or her, together with the notification referred to in subregulation (2)(a), to the appropriate registering authority.*
- (4) In the case of a change referred to in subregulation (1) in respect of the proxy or representative of a body of persons, the notification referred to in that subregulation shall be accompanied by the acceptable identification of the new proxy or representative, as the case may be and, if applicable, a letter of proxy.*
- (5) On receipt of the notification referred to in subregulation (1) or (2), the registering authority shall—*
  - (a) ensure that such notification is in order;*
  - (b) update the particulars pertaining to the person or body of persons concerned in the register of motor vehicles;*
  - (c) ..... (deleted)*
  - (d) in the case of a notification referred to in subregulation (2) in respect of a change in the name or identification number as reflected in the acceptable identification of the title holder of a motor vehicle, issue a new registration certificate to the title holder concerned, upon payment of the appropriate fees for the issue of a duplicate document as determined by the MEC of the province concerned.*
- (6) The owner of a motor vehicle shall notify the title holder of such motor vehicle of any change of address or particulars of the owner as referred to in subregulations (1) and (2).*

***Duty of title holder and owner of motor vehicle where such title holder or owner changes***

- Reg 53.** *(1) No person shall, either for himself or herself, the State or on behalf of another person—*
- (a) dispose of or deliver or trade with a motor vehicle in terms of an instalment sale transaction or leasing transaction unless—*
    - (i) such motor vehicle, if required to be registered and licensed in terms of this Chapter, is so registered and licensed; and*
    - (ii) the registration certificate, and if the motor vehicle is required to be licensed, the motor vehicle licence, accompanies the motor vehicle concerned; or*
  - (b) acquire or take delivery of a motor vehicle if the motor vehicle may not be disposed of or delivered or traded with in terms of paragraph (a).*
- (2) If a motor vehicle forms part of the estate of a deceased person, the executor or executrix of the estate shall ensure that the motor vehicle is registered and licensed if required to be registered and licensed in terms of this Chapter, and that the registration certificate, and if the motor vehicle is required to be licensed, the motor vehicle licence, accompanies the motor vehicle concerned.*
- (3) If there is a change of title holder of a motor vehicle, except in the case where*

*the current title holder has been authorised access to the register of motor vehicles and to update the register of motor vehicles, the current title holder of such motor vehicle shall-*

- (a) complete the relevant portion of form NCO as shown in Schedule 2;*
- (b) if the owner of the motor vehicle is the buyer of the motor vehicle concerned, complete the relevant portion of such form on behalf of such owner. If the owner of the motor vehicle is not the buyer of the motor vehicle concerned, the current title holder of such vehicle shall ensure that the new title holder completes the relevant portion of such form. Provided that if the current title holder cannot ensure the completion of the relevant portion of the form by the new title holder, the current title holder shall complete the relevant portion of such form on behalf of the new title holder and shall attach an affidavit to this effect to the form;*
- (c) forward the form referred to in paragraph (a) to the appropriate registering authority forthwith; and*
- (d) hand over the registration certificate concerned to the new title holder, but where the owner is in possession of such certificate, that owner shall hand over that certificate to the new title holder.*
- (4) If there is a change of owner of a motor vehicle, the current owner of such motor vehicle shall notify the registering authority where such motor vehicle is licensed of such change, on form NCO as shown in Schedule 2.*
- (5) On receipt of a notification referred to in subregulation (3) or (4), the registering authority—*
  - (a) shall ensure that such notification is in order;*
  - (b) shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles; and*
  - (c) may acknowledge receipt of such notice on form ARN as shown in Schedule 2.*
- (6) For the purposes of this regulation, every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of “appropriate registering authority” in regulation 1, shall be deemed to be a title holder or owner, as the case may be.*
- (7) if there is a change of title holder of a motor vehicle, where the current title holder has access to the electronic notice of change of ownership transaction, the current title holder of such motor vehicle shall perform the electronic notice of change of ownership transaction and enter the particulars of the new title holder.*

#### ***Display of motor vehicle for sale on premises of motor dealer***

**Reg 53A.** *No motor dealer shall display a motor vehicle for the purpose of sale on his or her premises unless such motor vehicle has been registered into his or her name as dealer stock.*

#### ***Procedure if motor vehicle is stolen***

**Reg 54.** *(1) If a motor vehicle is stolen, the owner of such motor vehicle shall—*

- (a) *report the theft to the South African Police Service, within 24 hours after he or she has become aware of such theft;*
  - (b) *notify the title holder forthwith of the theft;*
  - (c) *within seven days after the date upon which he or she has become aware of the theft, if the motor vehicle concerned has not been recovered during such period, notify the appropriate registering authority of such theft by forwarding form CNV as shown in Schedule 2, to such registering authority; and*
  - (d) *submit the registration certificate of the motor vehicle concerned to the registering authority concerned, if such certificate is in such owner's possession.*
- (2) *A change of title holder or owner of a motor vehicle reported stolen shall not be recorded in the register of motor vehicles unless such change results from—*
- (a) *an agreement of indemnity against the theft of such motor vehicle; or*
  - (b) *an agreement between the owner and the title holder of such motor vehicle.*
- (3) *The title holder of the motor vehicle referred to in subregulation (1) shall—*
- (a) *within three months after the date on which he or she was notified of the theft, notify the appropriate registering authority of such theft on form ADV as shown in Schedule 2; and*
  - (b) *if the registration certificate of such motor vehicle has not been submitted by the owner under subregulation (1)(d), submit such certificate and the notification referred to in paragraph (a) to the appropriate registering authority.*
- (4) *On receipt of the notification referred to in subregulation (1)(c) or (3)(a), the registering authority shall—*
- (a) *ensure that such notification is in order;*
  - (b) *update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles;*
  - (c) *in the case of the notification referred to in subregulation (3)(a), issue a deregistration certificate on form VDC as shown in Schedule 2, to the title holder of the motor vehicle concerned; and*
  - (d) *issue an acknowledgement of receipt of the notification referred to in subregulation (1)(c) on form ARN as shown in Schedule 2.*
- (5) *If a registering authority has in terms of subregulation (4)(d) acknowledged receipt of the notification referred to in subregulation (1)(c), or if the owner reported the theft to the South African Police Service, the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgment was issued, or following the month in which the owner reported the theft, as the case may be: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority or the South African Police Service, due to circumstances beyond his or her control, shall be disregarded.*
- (6) *If the motor vehicle referred to in subregulation (1) is recovered after an acknowledgement of receipt has been issued as contemplated in subregulation*

*(4)(d) and prior to the issue of a deregistration certificate as contemplated in subregulation (4)(c), the owner of such motor vehicle shall—*

- (a) within 24 hours after such recovery, notify the South African Police Service thereof;*
  - (b) notify the title holder and the appropriate registering authority forthwith of such recovery; and*
  - (c) apply for the licensing of such motor vehicle as referred to in regulation 24, which application shall be accompanied by a South African Police Service clearance of the motor vehicle, and written confirmation by the South African Police Service that the licence number has been cleared for further use.*
- (7) If the application for licensing referred to in subregulation (6)(c) is not accompanied by the written confirmation by the South African Police Service that the licence number has been cleared for further use, the registering authority shall allocate a new licence number to the motor vehicle concerned and the owner is liable for any costs incurred in this regard.*
- (8) The MEC concerned may decide to allocate another licence number or decide that another personalised licence number be allocated in terms of regulations 25(2)(b), 25(3)(c), 27(3), 27(5), 28(5) or 29 to a motor vehicle which has been stolen as contemplated in subregulation (1) and the registering authority shall not be liable for any costs incurred in this regard.*
- (9) The licence number or personalised licence number allocated to a motor vehicle at the time a deregistration certificate is issued as contemplated in subregulation (4) (c), shall not be allocated to any motor vehicle in terms of regulations 25(2)(b), 25(3)(c), 27(3), 27(5), 28(5) or 29 until such time as the South African Police Service has released such licence number for allocation to a motor vehicle.*

***Procedure if motor vehicle becomes permanently unfit for use as motor vehicle***

**Reg 55.** *(1) If a motor vehicle becomes permanently unfit for use as a motor vehicle, the owner of such motor vehicle shall—*

- (a) notify the title holder forthwith thereof;*
  - (b) within three months after the date on which such motor vehicle has become so unfit notify the appropriate registering authority, on form CNP or MVR1A as shown in Schedule 2, that such motor vehicle is permanently unfit for use as a motor vehicle; and*
  - (c) submit the registration certificate of the motor vehicle concerned, if such certificate is in such owner's possession.*
- (2) The title holder of a motor vehicle referred to in subregulation (1) shall—*
- (a) within three months after the date on which such motor vehicle has become permanently unfit for use, notify the appropriate registering authority, on form CNP or MVR1A as shown in Schedule 2, that such motor vehicle is permanently unfit for use; and*
  - (b) if the registration certificate of such motor vehicle has not been submitted by the owner under subregulation (1)(c), submit such*

*certificate and the notification referred to in paragraph (a) to the appropriate registering authority.*

- (3) *On receipt of a notification referred in subregulation (1)(b) or (2)(a), the registering authority shall—*
- (a) *ensure that the notification is in order;*
  - (b) *update the particulars pertaining to the motor vehicle in the register of motor vehicles;*
  - (c) *issue an acknowledgement of receipt of the notification referred to in subregulation (1)(b), on form ARN as shown in Schedule 2 to the owner; and*
  - (d) *in the case of the notification referred to in subregulation (2)(a) issue a deregistration certificate on form VDC as shown in Schedule 2 to the title holder of the motor vehicle concerned.*
- (4) *If a registering authority has in terms of subregulation (3)(c), acknowledged receipt of the notice referred to in subregulation (1)(b), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.*
- (5) *If a motor vehicle record has been updated in terms of subregulation (3)(b), the record of the motor vehicle may be moved to the archive of the register on any date five years after the date on which such update took place.*
- (6) *If a motor vehicle has been permanently demolished and the notification of such demolition has not been indicated in the notification referred to in subregulation (1)(b), the owner of such motor vehicle shall, within three months after the date on which such motor vehicle has been permanently demolished—*
- (a) *notify the appropriate registering authority, on form CNV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and*
  - (b) *if not already, comply with all requirements of subregulation (1).*
- (7) *If a motor vehicle has been permanently demolished and the notification of such demolition has not been indicated in the notification referred to in subregulation (2)(a), the title holder of such motor vehicle shall, within three months after the date on which such motor vehicle has been permanently demolished—*
- (a) *notify the appropriate registering authority, on form ADV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and*
  - (b) *if not already, comply with all requirements of subregulation (2).*

#### ***Procedure if motor vehicle is impounded by South African Police Service***

**Reg 55A.** (1) *If a motor vehicle is impounded by the South African Police Service, the owner of such motor vehicle shall—*



- (a) *notify the title holder forthwith of the impoundment;*
  - (b) *within three months after the date on which such motor vehicle has been impounded, notify the appropriate registering authority thereof on form CNV or MVR1A as shown in Schedule 2; and*
  - (c) *submit a receipt issued by the South African Police Service which indicates that the said motor vehicle was impounded and the period for which the vehicle is impounded, to the registering authority.*
- (2) *Upon receipt of the notification and receipt referred to in subregulation (1), the registering authority shall—*
- (a) *ensure that the notification is in order;*
  - (b) *update the particulars pertaining to the motor vehicle in the register of motor vehicles; and*
  - (c) *issue an acknowledgment of receipt of the notification on form ARN as shown in Schedule 2, to the owner.*
- (3) *Notwithstanding any provision to the contrary contained in these regulations, if a registering authority has in terms of subregulation (2)(c) acknowledged receipt of the notice referred to in subregulation (1)(b), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle with effect from the first day of the month following the month in which such acknowledgment was issued, until the first day of the month following the month in which the vehicle was released by the South African Police Service: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.*

#### ***Number to be affixed to motor vehicle***

- Reg 56.** (1) *Every motor vehicle shall have a chassis number of not more than 17 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to such motor vehicle and, if applicable, an engine number of not more than 20 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to the engine of such motor vehicle.*
- (1A) *A motor vehicle registered for the first time in the Republic on or after 1 September 2012, shall be fitted with microdots which comply with the requirements of standard specification SANS 534-1 "Vehicle security - Whole of vehicle marking Part 1: Microdot systems.*
- (2) *The chassis number of every motor car, minibus, bus or goods vehicle registered for the first time on or after 1 January 1996, shall comply with the following standard specifications:*
- (a) *SABS/ISO 3779: "Road vehicles - Vehicle identification number (VIN) - Content and structure;*
  - (b) *SABS/ISO 4030: "Road vehicles - Vehicle identification number (VIN) - Location and attachment;*
  - (c) *SABS/ISO 3780: "Road vehicles - World Manufacturer identifier (WMI) code.*

- (3) *The title holder of a motor vehicle—*
- (a) *which does not bear a chassis number;*
  - (b) *which, if it is a self-propelled vehicle, does not bear an engine number;*
  - (c) *which does not bear both the numbers referred to in paragraphs (a) and (b), if applicable;*
  - (d) *of which the number referred to in paragraph (a) or (b), appears on another motor vehicle; and*
  - (e) *of which the number referred to in paragraph (a) or (b) is altered, defaced or obliterated,*
- shall tender such motor vehicle to the South African Police Service.*
- (4) *The South African Police Service shall, upon payment of the appropriate fees as determined by the MEC who is concerned with road traffic matters, in consultation with the MEC who is concerned with safety and security matters, issue a new chassis or engine number or a new chassis and engine number, whatever the case may be, in respect of the motor vehicle referred to in subregulation (3).*
- (5) *The title holder of a motor vehicle referred to in subregulation (3) shall—*
- (a) *cause the number issued by the South African Police Service as referred to in subregulation (4) to be cut, stamped, embossed on or permanently affixed to such motor vehicle; and*
  - (b) *obtain clearance from the South African Police Service in respect of the number referred to in paragraph (a).*
  - (c) *Apply microdots to such motor vehicle in accordance with the requirements of SANS 534-1 if not already fitted with microdots complying with requirements of SANS 534-1.*
- (6) *The number referred to in subregulation (5) shall be the chassis or engine number, or chassis and engine number, whatever the case may be, of the motor vehicle concerned.*
- (7) *The title holder referred to in subregulation (5) shall furnish the registering authority with the clearance referred to in that subregulation and with the registration certificate of the motor vehicle concerned.*
- (8) *The registering authority concerned shall issue a new registration certificate to the title holder upon payment of the appropriate fees for a duplicate document, as determined by the MEC of the province concerned, which reflects the number referred to in subregulation (5).*

#### ***Penalties for late registration or licensing***

- Reg 57.** (1) *If an application for the registration or licensing of a motor vehicle or licensing of a motor trade number is not made within the period determined in this Chapter, the title holder, owner or holder, as the case may be, shall pay a penalty to the appropriate registering authority, calculated at one tenth of the appropriate fees as determined by the MEC of the province concerned, for every month or part of a month during which the fees remain unpaid: Provided that such penalty shall not exceed the total amount of the appropriate fees.*

- (2) *The payment by the title holder or owner of a motor vehicle or holder of a motor trade number of the registration or licence fees or motor trade number licence fees, as the case may be, as well as the penalty referred to in subregulation (1), shall not relieve such title holder, owner or holder from prosecution for his or her failure to register or licence such motor vehicle or motor trade number timeously, nor shall such a prosecution relieve such title holder, owner or holder of the liability to pay the appropriate fees for registration or licensing, as well as the penalty referred to in subregulation (1).*
- (3) *The title holder or owner of a motor vehicle or the holder of a motor trade number who submits an application on the appropriate form to the appropriate registering authority for the registration or licensing of a motor vehicle or motor trade number, as the case may be, together with the appropriate fees within the time allowed, but fails to furnish any relevant document or particulars which may be required by the registering authority, shall, notwithstanding anything to the contrary contained in this regulation, not be liable for any penalty if such registering authority is satisfied that such failure was due to circumstances beyond the control of such title holder, owner or holder.*
- (4) *If the MEC concerned is satisfied that payment of registration or licence fees or motor trade number licence fees was delayed by a cause beyond the control or was not due to any fault on the part of the title holder or owner of a motor vehicle or holder of a motor trade number, he or she may direct that a penalty paid in respect of the registration or licensing, or so much thereof as the circumstances appear to him or her to justify, shall be refunded to such title holder, owner or holder.*
- (5) *Penalties or fees payable in respect of the registration or licensing of a motor vehicle or motor trade number, as the case may be, in terms of this Chapter, shall be a debt due to the MEC concerned and may be recovered in a competent court by a registering authority on behalf of the MEC concerned.*

#### ***Registration and licence fees not payable in respect of certain vehicles***

**Reg 58.** *Notwithstanding anything to the contrary contained in these regulations, registration and licence fees are not payable in respect of a motor vehicle—*

- (a) *certified by the Chief of the South African Defence Force as owned by a friendly State and intended exclusively for military purposes in the Republic; or*
- (b) *of which the owner is a foreign government, a diplomat representing a foreign country, an international or intergovernmental organisation or any person or class of persons as the Minister of Foreign Affairs may determine.*

#### ***Arrear fees for licensing of motor vehicle or motor trade number***

- Reg 59.**
- (1) *If application is made for the licensing of a motor vehicle or motor trade number in a month following the month in which liability for the licensing of such motor vehicle or motor trade number arose, arrear licence fees, calculated at one twelfth per month of the annual licence fees from the first day of the month in which liability for such licensing arose until the last day of the month preceding the month in which application is made, shall be payable.*
  - (2) *If a person who owes any penalties or fees in terms of the provisions of this Act to any registering authority or driving licence testing centre, applies for any*

*transaction, the registering authority or driving licence testing centre to whom such application is made, may refuse to effect the transaction applied for or, in the case of an application for the licensing of a motor vehicle at a registering authority, refuse to issue a licence disc to the applicant, until such penalties and fees have been paid, and may apply any amount tendered in settlement of such penalties and fees due.*

- (3) *If a person who has committed an offence in terms of this Act failed to appear in a Court of Law and as a result of such failure a warrant of arrest of such person has been issued, applies for any transaction, the registering authority or driving licence testing centre to whom such application is made, may refuse to effect the transaction applied for or, in the case of an application for the licensing of a motor vehicle at a registering authority, the registering authority may refuse to issue a licence disc to the applicant.*

### ***Period of grace***

**Reg 60.** *Where, in terms of the provisions of this Chapter, provision is made for a period within which an application shall be made, such period shall be construed as a period of grace allowed to the applicant during which he may make such application without being liable for a penalty referred to in regulation 57 or prosecution for not making such application timeously.*

### ***Procedure when cheque is dishonoured***

**Reg 61.** (1) *If any penalties or fees payable for a transaction in terms of the provisions of this Chapter are paid by cheque and such cheque is dishonoured on presentation, the registering authority concerned may notify the person concerned thereof in writing and unless the person concerned honours such cheque within the period allowed by the authority concerned, the registering authority shall record a levy as determined by the MEC of the province concerned on the account of the applicant concerned, and—*

- (a) *in the case of the licencing of a motor vehicle where a change of title holder or owner has not taken place, amend the register of motor vehicles by replacing the date of expiry of the motor vehicle licence with which the person concerned was issued upon payment of the dishonoured cheque (hereafter referred to as the “new licence”) with the date of expiry of the motor vehicle licence which the person held before he or she was issued with the new licence, upon which the new licence shall be deemed to be invalid;*
- (b) *in the case of the licencing of a motor vehicle where a change of title holder or owner has taken place, or in the case of the registration of a motor vehicle, record the outstanding amount on the account of the applicant concerned in the register of motor vehicles;*
- (c) *in the case of the licencing of a motor trade number where a change of the holder of a motor trade number has not taken place, amend the register of motor trade numbers by replacing the date of expiry of the motor trade number licence with which the person concerned was issued upon payment of the dishonoured cheque (hereafter referred to as the “new motor trade number licence”) with the date of expiry of the motor*

*trade number licence which the person held prior to being issued with the new motor trade number licence, upon which the new motor trade number licence shall be deemed to be invalid;*

- (d) in the case of the licencing of a motor trade number where a change of holder of a motor trade number has taken place, or in the case of the issue of a motor trade number, record the outstanding amount on the account of the applicant concerned in the register of motor trade numbers;*
- (e) in the case of all other transactions, record the outstanding amount on the account of the applicant concerned.*
- (2) The amount and the levy referred to in subregulation (1), shall be recovered by the registering authority in a manner determined by the MEC concerned.*
- (3) The MEC concerned may record in the register of motor vehicles or in the register of motor trade numbers, that any future payments by way of a cheque by the applicant concerned shall be refused.*

#### ***Duty to furnish information***

- Reg 62.** *(1) Any person requested by the Director-General: Provincial Administration concerned, a traffic officer, an inspector of licences, an examiner of vehicles, or the chief executive officer to furnish information regarding a motor vehicle or a motor vehicle body which is or may have been at any time in his or her possession, shall furnish such information.*
- (2) A person shall furnish such information as may be required by the Director-General: Provincial Administration concerned, a traffic officer, an inspector of licences, an examiner of vehicles or the chief executive officer regarding any matter in respect of which such person has a responsibility in terms of the Act.*

#### ***Duty of registering authority in respect of records***

- Reg 63.** *(1) A registering authority shall keep a file for every motor vehicle it registers or licenses, and for every motor trade number such registering authority issues and licenses.*
- (2) The registering authority shall record all the transactions such registering authority effects in the applicable register and keep record of such transactions.*

#### ***Confirmation of information in respect of motor vehicle***

- Reg 64.** *(1) A person may apply to a registering authority, other than the registering authority of the South African Police Service, on form ACV as shown in Schedule 2, for a confirmation certificate in respect of a motor vehicle.*
- (2) The application referred to in subregulation (1) shall be accompanied by—*
- (a) the acceptable identification of the applicant and, in the case of a body of persons, that of its proxy and representative and a letter of proxy; and*
  - (b) the appropriate fees as determined by the MEC of the province concerned.*

- (3) *On receipt of the application referred to in subregulation (1), the registering authority shall, if satisfied that the application is in order, issue a confirmation certificate on form MVI as shown in Schedule 2.*

***Manner of application for registration as an external road traffic register user***

- Reg 64A.** (1) *An application for registration as an external road traffic register user shall be made in writing with a detailed motivation to the Minister.*
- (2) *An application, referred to in subregulation (1) shall be accompanied by-*
- (a) *the acceptable identification of the applicant and that of its proxy and representative and a letter of proxy; and*
  - (b) *any other additional information or documents as may be required by the Minister.*

***Manner of registration as an external road traffic register user***

- Reg 64B.** (1) *On receipt of the application referred to in regulation 64A, the Minister shall-*
- (a) *ensure that such application is in order;*
  - (b) *require the Department to-*
    - (i) *evaluate the applicant; and*
    - (ii) *submit a recommendation in respect of the registration of the applicant;*
  - (c) *require the designated officer of the South African Police Service as appointed by the Vehicle Identification Section and Safeguarding Unit to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such convictions, and any such official is hereby authorised to report accordingly;*
  - (d) *with due regard to the evaluation and recommendations of the Department and the South African Police Service, satisfy himself or herself that the applicant is suitable to be registered; and*
  - (e) *after consultation with the MECs, inform the applicant of his or her decision.*
- (2) *If the Minister is satisfied that the applicant may be registered as an external road traffic register user, the Minister shall-*
- (a) *register the applicant subject to the condition as is prescribed in regulation 64C and, such other conditions as the Minister deems fit;*
  - (b) *record the particulars pertaining to such applicant in the register of external road traffic register users; and*
  - (c) *issue to such applicant a letter of confirmation of registration, which shall include the conditions referred to in paragraph (a).*
- (3) *If the Minister is not satisfied that the applicant may be registered as an external road traffic register user, the Minister shall notify such applicant accordingly.*

### ***Conditions for registration as an external road traffic register user***

**Reg 64C.** *The Minister shall require as a condition of registration that the external road traffic register user must sign a contract which stipulates the provisions that the external road traffic register user must comply with.*

### ***Manner of suspension or cancellation of registration as an external road traffic register user***

- Reg 64D.** (1) *If the Minister intends to suspend or cancel the registration of an external road traffic register user, he or she shall notify such external road traffic register user of such intention and the reason therefore.*
- (2) *The external road traffic register user referred to in subregulation (1), may, within 14 days from the date of issue of such notification submit a written representation to the Minister.*
- (3) *The Minister shall after due consideration of any representation made in terms of subregulation (2), if any-*
- (a) *cancel the registration of the external road traffic register user concerned, or suspend such registration for such period as he or she may deem fit; or*
  - (b) *not cancel or suspend the registration of the external road traffic register user concerned,*
- and notify the external road traffic register user accordingly.*
- (4) *The external road traffic register user, of which the registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the Minister the certificate of registration.*
- (5) *In the case where an external road traffic register user no longer desires to be registered as such, he or she shall, in writing, notify the Minister.*

### ***Exporting of motor vehicle***

- Reg 65.** (1) *If the owner of a motor vehicle, other than a manufacturer, importer or builder of a new motor vehicle, intends to export such motor vehicle, such owner shall obtain a written authorisation from the title holder of the intent to export such motor vehicle.*
- (2) *On presentation of the written authorisation as referred to in subregulation (1), the appropriate registering authority shall refer the motor vehicle concerned for a South African Police Clearance.*
- (3) *The owner of the motor vehicle referred to in subregulation (1), shall notify the appropriate registering authority accordingly on form CNV as shown in Schedule 2, and such notification shall be accompanied by a South African Police Service clearance in respect of such vehicle as referred to in subregulation (2).*
- (4) *On receipt of notification referred to in subregulation (3) and the South African Police Service clearance referred to in subregulation (2), the registering authority shall -*

- (a) *update the particulars pertaining to such motor vehicle in the register of motor vehicles; and*
  - (b) *acknowledge receipt of such notification on form ARN as shown in Schedule 2.*
- (5) *If a registering authority has in terms of subregulation (4) (b), acknowledged receipt of the notice referred to in subregulation (3), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall not be taken into consideration.*
- (6) *If a motor vehicle record has been updated in terms of subregulation (4) (a), the record of the motor vehicle shall be moved to the archive of the register on any date five years after the date on which such update took place.*

***Manner in which mass measuring certificate to be obtained***

- Reg 66.** (1) *A mass measuring certificate issued on a form similar to form MMC, or on form MMC, as shown in Schedule 2, shall be obtained by the applicant therefore at his or her own expense from a person in charge of a mass measuring apparatus approved by a registering authority.*
- (2) *The tare of a motor vehicle referred to in subregulation (1), shall be determined in the presence of a person nominated by the registering authority referred to in subregulation (1).*
- (3) *A mass measuring certificate issued under this regulation shall contain the following information:*
- (a) *The chassis number expressed in not more than 17 alpha-numerical characters;*
  - (b) *the licence number of the motor vehicle, if applicable;*
  - (c) *a general description of the motor vehicle;*
  - (d) *the tare of the motor vehicle expressed in kilograms in not more than 5 figures;*
  - (e) *the name and address of the body that operates the mass measuring equipment;*
  - (f) *the name and identity number of the person referred to in subregulation (2);*
  - (g) *the date on which the motor vehicle was weighed; and*
  - (h) *the name of the registering authority that approved the mass measuring equipment as contemplated in subregulation (1).*

***Manufacturer, builder or importer to provide certificate***

- Reg 67.** *A manufacturer, builder or importer, as the case may be, shall, when disposing of a motor vehicle manufactured, built or imported by him or her, furnish the new title holder*



*of such motor vehicle with the certificate referred to in regulation 8(2)(e).*

***Registration certificate to be submitted by owner and title holder under certain circumstances***

- Reg 68.** (1) *Notwithstanding the provisions of regulation 52(3), the owner of a motor vehicle shall, if in possession of a registration certificate issued under road traffic legislation previously applicable, hand over such certificate to the appropriate registering authority or new title holder, as the case may be.*
- (2) *Notwithstanding the provisions of regulations 54(3)(b) and 55(2)(b), if the owner is in possession of the registration certificate concerned issued under road traffic legislation previously applicable, he or she shall submit such certificate to the title holder.*

***Motor vehicles may be operated under motor trade number under certain circumstances***

- Reg 69.** (1) *Notwithstanding any provisions to the contrary contained in Chapter III of the Act, a registered manufacturer, builder or importer, a motor transport contractor or motor dealer, may on a public road operate a motor vehicle which is to be registered and licensed in the Republic in terms of Chapter III of the Act but has not been registered and licensed or is registered in terms of Chapter III of the Act but not licensed and which may not otherwise be operated on a public road, under a motor trade number issued in terms of this Part for the purposes of—*

- (a) delivery of such motor vehicle within the Republic, by a motor transport contractor, in the course of his or her business;*
- (b) delivery within the Republic, sale, exchange, repair or building of a permanent structure on such motor vehicle by a motor dealer; or*
- (c) delivery within the Republic or testing by the manufacturer, importer or builder of such motor vehicle.*

*Provided that in the case where such motor vehicle is loaded onto another motor vehicle and if any part of the motor vehicle loaded onto such other motor vehicle, is operated on a public road, the motor vehicle loaded onto the other motor vehicle shall display a motor trade number in the prescribed manner; and*

- (2) *A person who is a bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), and who is a credit grantor in respect of a motor vehicle which—*
- (a) is subject to an instalment sale transaction, or a leasing transaction; and*
  - (b) it desires to operate on a public road for the purpose of repossessing such motor vehicle,*

*may, if such motor vehicle may not otherwise be so operated, operate such motor vehicle on a public road under a motor trade number issued in terms of this Part.*

- (3) *No person shall operate a motor vehicle under a motor trade number, except for the purposes referred to in this regulation.*
- (4) *No person shall operate a motor vehicle not intended to be registered in the Republic in terms of provisions of this Act, under a motor trade number.*

### ***Manner of application for motor trade number***

- Reg 70.** (1) *An application for a motor trade number shall be made to the appropriate registering authority on form MTN 1 as shown in Schedule 2, and shall be accompanied by—*
- (a) *acceptable identification of the applicant and, if the applicant is a body of persons, that of its proxy and representative and a letter of proxy; and*
  - (b) *the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.*
- (2) *The applicant referred to in subregulation (1), shall indicate the number of motor trade numbers he or she desires to be issued with, and the purpose for which he or she desires to be issued with such motor trade numbers.*

### ***Motor trade number system***

- Reg 71.** (1) *The MEC concerned may, subject to subregulation (2), by notice in the Provincial Gazette establish a motor trade number system for the province concerned.*
- (2) *A motor trade number system established in terms of subregulation (1), shall consist of—*
- (a) *the letter “A” followed by two letters, three figures and the licence mark of the province concerned as contemplated in regulation 27(1); or*
  - (b) *three or four figures followed by the licence mark of the registering authority as contemplated in regulation 27(2)(a)(i);*
- but shall not consist of vowels, except the letter “A” as referred to in paragraph (a), or the letter “Q”.*

### ***Manner of issue of motor trade number***

- Reg 72.** (1) *On receipt of the application for a motor trade number, the registering authority—*
- (a) *shall satisfy itself that the applicant is entitled to be issued with a motor trade number; and*
  - (b) *may, and if the applicant so requires, shall, issue an assessment showing the penalties and fees payable in terms of regulation 70(1)(b), for the issue of a motor trade number.*
- (2) *On submission of the amount referred to in subregulation (1), the registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order—*
- (a) *record the particulars in relation to the applicant in the register of motor trade numbers;*
  - (b) *issue on form MTN 2 as shown in Schedule 2, on the conditions as such registering authority may deem expedient, as many motor trade number registration certificates as applied for; and*

- (c) if the application is refused, notify the applicant accordingly.

***Motor trade number to be licensed***

**Reg 73.** Every motor trade number issued in terms of regulation 72, shall be licensed by the holder of such motor trade number in accordance with the provisions of this Part, with the appropriate registering authority.

***Date on which motor trade number to be licensed***

- Reg 74.** (1) Liability for the licensing of a motor trade number referred to in regulation 73, shall arise on—
- (a) the date of issue of the motor trade number registration certificate referred to in regulation 72; or
  - (b) the first day of the month following the date of expiry of the licence of the motor trade number in terms of regulation 77.
- (2) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in subregulation (1) shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.

***Manner of application for a motor trade number licence***

- Reg 75.** (1) An application—
- (a) for the licensing of a motor trade number shall be made by the holder of such motor trade number, simultaneously with and on the same form as the application for a motor trade number referred to in regulation 70(1); or
  - (b) for a new motor trade number licence shall be made by the holder of such motor trade number licence within 21 days after the date of liability referred to in regulation 74(1)(b) on the form referred to in regulation 70(1).
- (2) The application referred to in subregulation (1) shall be accompanied by the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.

***Manner of licensing of motor trade number***

- Reg 76.** (1) On receipt of the application for the licensing of a motor trade number the registering authority may, and if the applicant so requires, shall, issue an assessment showing the appropriate fees as determined by the MEC of the province concerned and if applicable the penalties and arrear fees referred to in regulations 57 and 59 for the licensing of the motor trade number concerned.
- (2) The registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order—
- (a) licence the motor trade number;

- (b) *update the particulars in relation to the motor trade number concerned in the register of motor trade numbers;*
- (c) *issue a motor trade number licence on form MTN3 as shown in Schedule 2; and*
- (d) *as proof of the possession of such motor trade number licence, subject to the provisions of regulation 78(5), issue a motor trade number licence disc on form MTN3 as shown in Schedule 2, which shall be completed in black non-fading ink.*

***Period of validity of motor trade number licence and motor trade number licence disc***

- Reg 77.** (1) *Subject to subregulation (2), a motor trade number licence and motor trade number licence disc shall be valid for a period of 12 months from the first day of the month in which such licence or disc was issued and the date of expiry of such motor trade number licence shall be shown on the motor trade number licence and such licence disc.*
- (2) *If the holder of such motor trade number applies for a new motor trade number licence and motor trade number licence disc as contemplated in regulation 75(1)(b) before the expiry date of the current licence and licence disc, the period of validity of the new licence and licence disc shall be calculated from the first day of the month which follows on the expiry date of the current licence and licence disc.*

***Motor trade number licence assessment***

- Reg 78.** (1) *If the MEC concerned deems it expedient, he or she may forward a motor trade number licence assessment to the postal address of the holder of a motor trade number, on form MVL2 as shown in Schedule 2, for a new motor trade number licence.*
- (2) *For the purpose of an application for a new motor trade number licence upon receipt of the motor trade number licence assessment, the holder shall submit such assessment together with the appropriate fees as determined by the MEC of the province concerned and penalties and arrear fees referred to in regulations 57 and 59, to the appropriate registering authority and such submission shall serve as an application for a new motor trade number licence.*
- (3) *The registering authority shall, on submission of the appropriate fees and penalties and arrear fees referred to in subregulation (2), and if the application is in order, licence the motor trade number in the manner contemplated in regulation 76(2).*
- (4) *If the holder did not receive the motor trade number licence assessment referred to in subregulation (1), such holder shall apply for a new motor trade number licence in the manner contemplated in regulation 75(1)(b).*
- (5) *If a motor trade number is required to be licensed in terms of the provisions of this Part and an application for the licensing of such motor trade number is not received within three months from the date of expiry referred to in regulation 77, the registering authority shall cancel such motor trade number.*
- (6) *The cancellation of a motor trade number in terms of subregulation (5), shall not exempt the holder of such motor trade number from the liability for the payment*

*of the penalties and arrear licence fees referred to in regulations 57 and 59.*

***Procedure for change of particulars of holder of motor trade number***

- Reg 79.** (1) *If the postal or street address, the proxy or the representative of the holder of a motor trade number changes, such holder shall, within a period of 21 days after such change, notify the appropriate registering authority of such change on form NCP1, NCP2 or MTN1 as shown in Schedule 2.*
- (2) *If the name or identification number as reflected in the acceptable identification of the holder of a motor trade number changes, such holder shall within 21 days from such change—*
- (a) *notify the appropriate registering authority of such change on form MTN1 or NCP as shown in Schedule 2;*
  - (b) *submit the new acceptable identification; and*
  - (c) *submit every motor trade number registration certificate issued to him or her.*
- (3) *Where the proxy or representative of the holder of a motor trade number changes, the notice referred to in subregulation (1), shall be accompanied by the acceptable identification of the new proxy or representative and a new letter of proxy.*
- (4) *On receipt of the notification referred to in subregulation (1) or (2), the registering authority shall—*
- (a) *ensure that such notification is in order;*
  - (b) *update the particulars in relation to the person or body of persons concerned in the register of motor trade numbers;*
  - (c) *Deleted*
  - (d) *in the case of a notification in terms of subregulation (2), issue a new motor trade number registration certificate to the holder upon payment of the appropriate fees for the issue of a duplicate document as determined by the MEC of the province concerned..*
- (5) *If a motor trade number is held by a partnership and one of the partners dies or ceases to be a partner of such partnership or a new partner is admitted thereto, or if a person obtains from the estate of a deceased spouse the business of a—*
- (a) *motor transport contractor;*
  - (b) *manufacturer;*
  - (c) *builder;*
  - (d) *importer;*
  - (e) *motor dealer; or*
  - (f) *bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990),*
- and a motor trade number is in force in respect of such partnership or business, every such motor trade number shall, notwithstanding any provisions to the contrary contained in this Part, remain in force for the unexpired period of the motor trade number licence concerned, in respect of such partnership or business and that partnership or new owner of the business shall be deemed to*

*be the holder of the motor trade number.*

### ***Cancellation of motor trade number***

- Reg 80.** (1) *Whenever the holder of a motor trade number has, in the opinion of the MEC concerned, contravened a provision of this Chapter in the course of carrying on the business of a motor transport contractor, manufacturer, builder, importer, motor dealer or bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), as the case may be, such MEC may cancel such number.*
- (2) *If a motor trade number referred to in subregulation (1) has been cancelled, the holder of such number shall forthwith surrender the motor trade number registration certificate, motor trade number licence, motor trade number licence disc and the plate referred to in regulation 82 to the appropriate registering authority for the defacement of such registration certificate and such licence and the destruction of such licence disc.*
- (3) *If—*
- (a) *the holder of a motor trade number no longer requires such number; or*
  - (b) *the holder of a motor trade number ceases to carry on the business referred to in subregulation (1),*
- such holder shall forthwith apply to the appropriate registering authority on form MTN1 as shown in Schedule 2, for the cancellation of such motor trade number and such application shall be accompanied by the relevant motor trade number registration certificate, motor trade number licence, motor trade number licence disc and the plate, referred to in regulation 82.*
- (4) *On receipt of the application referred to in subregulation (3), the registering authority shall—*
- (a) *cancel the motor trade number;*
  - (b) *deface the motor trade number registration certificate and the motor trade number licence;*
  - (c) *destroy the motor trade number licence disc; and*
  - (d) *update the particulars pertaining to the motor trade number in the register of motor trade numbers accordingly.*

### ***Number issued in prescribed territory***

- Reg 81.** *A number which has a similar purpose to that of a motor trade number, and which is issued in a prescribed territory in accordance with the laws of such territory, shall be deemed to be a motor trade number for the purposes of this Part when such number is displayed on a motor vehicle which is operated on a public road in the Republic for the period for which and subject to the conditions under which it was issued.*

### ***Display of motor trade number and motor trade number licence disc***

- Reg 82.** (1) *A motor trade number shall be displayed on a plate referred to in regulation 35 and in accordance with the provisions of that regulation: Provided that a motor vehicle other than a motor cycle, motor tricycle, motor quadrucycle or trailer,*

*shall be equipped with only one such number plate to the rear of the motor vehicle, and such plate shall—*

- (a) if such motor vehicle has a rear window, be displayed on the inside of such window in an upright position so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle; or*
- (b) if such motor vehicle has no such rear window or the rear window is too small to display such motor trade number, on the back of such motor vehicle in an upright position and so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle.*
- (2) A motor trade number licence disc issued in terms of regulation 76 shall be affixed to the inside of the transparent front of a durable watertight holder.*
- (3) The watertight holder referred to in subregulation (2), shall be attached to the motor trade number plate so that the print on the face of the motor trade number licence disc is clearly legible as contemplated in subregulation (1).*
- (4) No motor trade number shall be permanently affixed to any motor vehicle. Provided that the motor trade number displayed on the motor vehicle which is being tested by a registered manufacturer, builder or importer may be secured in such a way that the motor trade number does not interfere with noise measurements.*

### ***Right of appeal to MEC***

- Reg 83.**
- (1) Any person who is aggrieved at the refusal of a registering authority to issue a motor trade number to him or her may, within 21 days after the date of such refusal, in writing appeal against such refusal to the MEC concerned and such person shall at the same time serve a copy of such appeal on the registering authority concerned.*
  - (2) After receipt of the copy of the appeal referred to in subregulation (1), the registering authority concerned, shall forthwith furnish the MEC concerned with reasons for the refusal to which such appeal relates.*
  - (3) For the purpose of deciding an appeal referred to in subregulation (1), the MEC concerned may require each party to the appeal, to furnish the information and evidence as he or she may deem necessary.*
  - (4) The MEC may, after considering the appeal, give such decision as he or she may deem fit.*

## **Part II**

### **Temporary and special permits**

#### ***Circumstances in which motor vehicle may be operated on public road under temporary or special permit***

- Reg 84.**
- (1) A person who desires to operate on a public road a motor vehicle which is to be registered and licensed in the Republic in terms of Chapter III of the Act, but has not been registered and licensed or is registered in terms of Chapter III of*

*the Act but not licensed, and which may not otherwise be operated on a public road, may—*

- (a) if he or she is to become the owner of such motor vehicle in the Republic, obtain a temporary permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed, if such motor vehicle is to be—*
  - (i) delivered within the Republic by or to such person;*
  - (ii) delivered within the Republic by or to a motor dealer, or*
  - (iii) registered and licensed in terms of Chapter III of the Act, but only during the period permitted for such registration and licensing; or*
- (b) obtain a special permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed for purposes of—*
  - (i) testing such motor vehicle;*
  - (ii) proceeding to or returning from a place within the Republic where repairs are to be or have been effected to such motor vehicle;*
  - (iii) reaching an examiner of vehicles or mass measuring apparatus; or*
  - (iv) repossessing such motor vehicle, as contemplated in regulation 69 (2);*
- (2) A temporary permit—*
  - (a) shall not be issued in respect of a motor vehicle referred to in regulation 138 (1) unless a certification of roadworthiness in respect of such motor vehicle is submitted; or*
  - (b) which is blank, may only be issued to a motor dealer.*
- (3) The owner of a motor vehicle which is licensed and who cannot comply forthwith with the provisions of regulation 35 or 36, may obtain a temporary permit in order to operate the motor vehicle on a public road.*
- (4) A special permit shall not authorise the holder of such permit to convey persons or goods in the motor vehicle concerned.*
- (5) A temporary or special permit shall not be issued in respect of a motor vehicle not intended to be registered in the Republic, in terms of provisions of the Act, unless such motor vehicle is already registered in the Republic in terms of Chapter III of the Act.; and*
- (6) No person shall operate a motor vehicle not intended to be registered in the Republic in terms of provisions of the Act, under a temporary or special permit, unless such motor vehicle is already registered in the Republic in terms of Chapter III of the Act.*

#### ***Manner of application for temporary or special permit***

- Reg 85.**     *(1) If a motor dealer requires a series of blank temporary permits, he or she shall apply to the appropriate registering authority, on form MTN1 as shown in Schedule 2.*



- (2) *If a temporary or special permit is required for a motor vehicle, the application for such permit shall be made to the appropriate registering authority on form MVR1A or TSP1 as shown in Schedule 2: Provided that if a motor vehicle is obtained from a motor dealer, the owner of such motor vehicle may obtain a temporary permit from such motor dealer.*
- (3) *An application referred to in subregulation (1) or (2), shall be accompanied by—*
  - (a) *the acceptable identification of the applicant, and, if the applicant is a body of persons, that of its proxy and representative and a letter of proxy;*
  - (b) *the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59; and*
  - (c) *in the case of motor vehicles referred to in regulation 84(2)(a), certification of roadworthiness.*

#### ***Temporary or special permit number system***

- Reg 86.** (1) *The MEC concerned may, subject to subregulation (2), by notice in the Provincial Gazette establish a temporary or special permit number system for the province concerned.*
- (2) *A temporary or special permit number system established in terms of subregulation (1) shall consist of—*
- (a) *the letter “E”, followed by two letters, three figures and the licence mark of the province concerned as contemplated in regulation 27(1); or*
  - (b) *the licence mark of the registering authority concerned as contemplated in regulation 27(2)(a)(i), followed by four or five figures and the letter “P”,*
- but shall not include vowels, except for the letter “E” as contemplated in paragraph (a), or the letter “Q”.*

#### ***Manner of issue of temporary or special permit***

- Reg 87.** (1) *On receipt of the application referred to in regulation 85(1) or (2), the registering authority may, and if the applicant so requires, shall issue an assessment showing the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.*
- (2) *On submission of the assessment and upon payment of the fees and penalties referred to in subregulation (1), the registering authority shall, subject to the provisions of regulation 59(2), and if satisfied that the application is in order—*
- (a) *record the particulars pertaining to—*
    - (i) *the applicant; and*
    - (ii) *if applicable, the date, number and place of issue of a certification of roadworthiness, referred to in regulation 85(3)(c);*

*in the register of motor vehicles; and*

- (b) *issue a series of blank temporary permits or a duly completed temporary or special permit, as the case may be, on form TP or SP as shown in Schedule 2.*
- (3) *The motor dealer referred to in regulation 85(2) shall—*
  - (a) *upon payment of the appropriate fees referred to in regulation 85(3)(b), complete the temporary permit and counterfoil on form TP as shown in Schedule 2;*
  - (b) *issue the temporary permit to the owner of the motor vehicle concerned and retain the counterfoil; and*
  - (c) *if applicable, record the date, number and place of issue of a certification of roadworthiness, referred to in regulation 85(3)(c) on the counterfoil.*
- (4) *A permit issued in respect of a motor vehicle in a prescribed territory in terms of any law relating to motor vehicles in force in that territory and serving the same purpose as a temporary or special permit shall, if the provisions of the law of such prescribed territory relating to the operation of a motor vehicle on a public road under such permit, is complied with, shall be deemed to be a temporary or special permit, whichever the case may be, issued under this Part for the period for which and subject to the conditions under which it was issued.*
- (5) *No motor dealer shall issue a temporary permit which has not been issued to such motor dealer in terms of subregulation (2)(b), or issue more than one permit to the same person in respect of the same motor vehicle.*
- (6) *A registering authority may, at any time after reasonable notice to a motor dealer, order that all unused temporary permits be returned, or the said dealer may return such permits, without any amount being refundable.*

#### ***Period of validity of temporary and special permits***

- Reg 88.** (1) *The date of commencement and the date of expiry of a temporary permit and special permit, as the case may be, shall be recorded on such permit and such a permit shall be valid—*
- (a) *in the case of a temporary permit, for a period of 21 days, calculated—*
    - (i) *in respect of a motor vehicle which is licensed and who cannot comply forthwith with the provisions of regulation 35 or 36, from the date of issue of such temporary permit; or*
    - (ii) *for any other motor vehicle, from the date on which liability for the licensing of such motor vehicle arises; or*
  - (b) *in the case of a special permit, for a period of three days calculated from the date specified by the applicant in the application form: Provided that such date shall not be more than seven days after the date on which the application is made.*
- (2) *The provisions of subregulation (1) shall not apply to blank temporary permits issued to a motor dealer in terms of regulation 87(2)(b).*

### ***Display of temporary or special permit***

- Reg 89.** (1) *A permit issued in respect of a motor vehicle in terms of regulation 87(2)(b) or 87(3)(b), shall be displayed—*
- (a) *if such motor vehicle has a rear window, on the inside of such window in the lower left-hand corner when viewed from the rear of the motor vehicle, so that the inscription thereon is legible through the glass; or*
  - (b) *if such motor vehicle does not have a rear window, on the rear of the motor vehicle in a conspicuous place.*
- (2) *No person shall operate on a public road a motor vehicle on which is displayed a temporary or special permit or anything purporting to be such a permit, which is not applicable to such motor vehicle.*
- (3) *No person shall operate on a public road a motor vehicle on which a temporary or special permit is displayed which is in any way obscured or has become illegible, except if such permit is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.*

### ***Duty of motor dealer in respect of temporary permit***

- Reg 90.** *A motor dealer shall—*
- (a) *in respect of every temporary permit issued by him or her to an applicant in terms of regulation 87(3)(b), keep a record by means of the completed counterfoil in order to ascertain the name and address of the applicant, as well as, if applicable, to ascertain the date, number and place of issue of a certification of roadworthiness; and*
  - (b) *within 14 days after the date of issue of the tenth permit in a book, return to the appropriate registering authority every book of 10 counterfoils so completed.*

### **Sec 5. Registration of manufacturers, builders, importers and manufacturers of number plates**

- (1) The prescribed manufacturers, builders or importers, and every manufacturer of number plates shall apply in the prescribed manner to the chief executive officer for registration as a manufacturer, builder, importer or manufacturer of number plates.
- (2) If the chief executive officer is satisfied that an applicant referred to in subsection (1) complies with the qualifications for competency as prescribed for the specific category in respect of which application is made, he or she shall register such applicant on the conditions and in the manner prescribed.
- (3) The chief executive officer may, in the prescribed manner, alter the conditions referred to in subsection (2).
- (4) The chief executive officer may, in the prescribed manner, suspend for such period as he or she may deem fit, or cancel, the registration of a manufacturer, builder, importer or manufacturer of number plates.
- (5) The manufacturers, builders or importers referred to in subsection (1) shall, in the prescribed manner, register every motor vehicle manufactured, built or imported by him or her, before he or she distributes or sells such vehicle.

- (6) Manufacturers, builders and importers shall not manufacture, build, modify, import, sell or distribute motor vehicles except in accordance with the prescribed conditions.
- (7) A manufacturer of number plates shall not manufacture, sell or distribute number plates unless he or she is registered as a manufacturer of number plates.

#### **Sec 6. Right of appeal to Shareholders Committee**

- (1) Any person who is aggrieved at the refusal of the chief executive officer to register him or her as a manufacturer, builder, importer or manufacturer of number plates or at the suspension or cancellation of his or her registration as a manufacturer, builder, importer or manufacturer of number plates or at the conditions on which he or she is so registered may, within 21 days after such refusal, suspension or cancellation, or notification of the conditions on which he or she is so registered, in writing appeal to the Shareholders Committee against such refusal, suspension, cancellation or conditions, and such person shall at the same time serve a copy of the appeal on the chief executive officer.
- (2) After receipt of the copy of the appeal referred to in subsection (1), the chief executive officer shall forthwith furnish the Shareholders Committee with his or her reasons for the refusal, suspension, cancellation or conditions to which such appeal refers.
- (3) The Shareholders Committee may after considering the appeal give such decision as it may deem fit.

#### **Sec 7. Appointment of inspectorate of manufacturers, builders and importers**

- (1) The Minister may appoint a person, an authority or a body as an inspectorate of manufacturers, builders and importers.
- (2) The powers and duties of the inspectorate contemplated in subsection (1) in relation to the registration and inspection of manufacturers, builders and importers shall be as prescribed.
- (3) The Minister may, in order to defray the expenditure incurred by or on behalf of that inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of inspections carried out by it in terms of this Act.

#### ***Certain manufacturers, builders and importers to register***

**Reg 38.** *Any manufacturer, builder or importer who manufactures, builds, modifies or imports motor vehicles for the purpose of his or her business of selling motor vehicles or modifications of motor vehicles, shall register as a manufacturer, builder or importer.*

#### ***Manner of application for registration as manufacturer, builder or importer***

- Reg 39.**
- (1) *An application for registration as a manufacturer, builder or importer in terms of section 5 of the Act shall be made on form MIB as shown in Schedule 2.*
  - (2) *An application referred to in subregulation (1) shall be accompanied by—*
    - (a) *the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;*

- (b) *the appropriate fees as determined by the MEC of the province concerned;*
- (bA) *proof of value added tax registration with the South African Revenue Services;*
- (c) *in the case of an importer of motor vehicles, the Customs Code Number of the applicant as issued by the South African Revenue Service in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and*
- (d) *any other additional information or documents as may be required by the chief executive officer.*

***Manner of registration of manufacturer, builder or importer***

- Reg 40.** (1) *On receipt of an application for registration as manufacturer, builder or importer, the chief executive officer shall—*
- (a) *ensure that such application is in order;*
  - (b) *require the inspectorate of manufacturers, builders and importers to—*
    - (i) *evaluate the applicant in respect of compliance of the vehicles manufactured, built, modified or imported by such applicant with the relevant legislation, standards, specifications and codes of practice applicable in respect of motor vehicles in force in the Republic; and*
    - (ii) *submit a recommendation in respect of the registration of the applicant;*
  - (c) *require the designated officer of the South African Police Service as appointed by the Vehicle Identification Section and Safeguarding Unit to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such convictions, and any such official is hereby authorised to report accordingly; and*
  - (d) *with due regard to the evaluation and recommendations of the inspectorate of manufacturers, builders and importers and the South African Police Service, satisfy himself or herself that the applicant is suitable to be registered.*
- (2) *If the chief executive officer is satisfied that the applicant may be registered as a manufacturer, builder or importer, he or she shall—*
- (a) *register the applicant subject to any or all of the conditions as are prescribed in regulation 41 and, if he or she deems fit, such conditions as are determined by him or her;*
  - (b) *record the particulars pertaining to such applicant on the register of manufacturers, builders and importers; and*
  - (c) *issue to such applicant a certificate of registration on form MCR as shown in Schedule 2, which shall reflect the conditions referred to in paragraph (a).*
- (3) *If the chief executive officer is not satisfied that the applicant may be registered as a manufacturer, builder or importer, he or she shall notify such applicant accordingly.*
- (4) *A registered manufacturer, builder or importer of motor vehicles shall, at any time, be subject to an evaluation by the inspectorate of manufacturers, builders and importers.*

***Conditions for registration of manufacturer, builder or importer***

- Reg 41.** *The chief executive officer—*

- (a) *shall require as a condition of registration that—*
  - (i) *notice be given by the manufacturer, builder and importer concerned on form NVM as shown in Schedule 2 to the inspectorate of manufacturers, builders or importers of all models of motor vehicles being manufactured, built, modified or imported;*
  - (ii) *a model number referred to in regulation 44(1)(f) be obtained and held by manufacturers, builders or importers for each model of a motor vehicle being manufactured, built, modified or imported; and*
  - (iii) *a certification of roadworthiness be obtained for every motor vehicle of such model as specified from time to time by the inspectorate of manufacturers, builders and importers in terms of regulation 44(1)(dA);*
- (b) *may require as a condition of registration —*
  - (i) *that a motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer, shall be presented to the South African Police Service for clearance of such motor vehicle before the sale or distribution thereof;*
  - (ii) *that a certification of roadworthiness be obtained for every motor vehicle of such model as specified by the inspectorate of manufacturers, builders and importers in the recommendation contemplated in regulation 40 (1) (b) (ii) or in regulation 44 (1) (e) before a licence disc on form MVLI, MVLI-RW, LCO or LCTO as shown in Schedule 2 may be issued in respect of such motor vehicle by a registering authority;*
  - (iii) *that a letter of authority as referred to in regulation 43 and a certification of roadworthiness be obtained for every motor vehicle of such model as specified by the inspectorate of manufacturers, builders and importers in the recommendation contemplated in regulation 40 (1) (b) (ii) or in regulation 44 (1) (e) before a licence disc on form MVLI, MVLI-RW, LCO or LCTO as shown in Schedule 2 may be issued in respect of such motor vehicle by a registering authority; or*
  - (iv) *that the conditions referred to in items (i) and (ii) or in items (i) and (iii) be complied with.*

***Manner of suspension or cancellation of registration of manufacturer, builder or importer***

- Reg 42.** (1) *If the chief executive officer intends to suspend or cancel the registration of a manufacturer, builder or importer in terms of section 5(4) of the Act he or she shall notify such manufacturer, builder or importer of such intention and the reason therefor.*
- (2) *The manufacturer, builder or importer referred to in subregulation (1), may, within 21 days after receipt of the notification referred to in that subregulation, make a written representation to the chief executive officer.*
- (3) *The chief executive officer shall after due consideration of any representation made in terms of subregulation (2), if any—*
- (a) *cancel the registration of the manufacturer, builder or importer concerned, or suspend such registration for such period as he or she may deem fit; or*

- (b) *not cancel or suspend the registration of the manufacturer, builder or importer concerned,*  
*and notify the manufacturer, builder or importer accordingly.*
- (4) *The manufacturer, builder or importer, of which the registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the chief executive officer the certificate of registration.*

***Manufacturers, builders or importers not required to register must comply with conditions***

- Reg 43.** (1) *Any manufacturer, any builder who modifies motor vehicles, or any importer, who is not required to be registered in terms of these regulations, shall apply to the inspectorate of manufacturers, builders and importers for a letter of authority on form ALA as shown in Schedule 2, in respect of every motor vehicle or every motor vehicle modification, except in respect of a trailer with a gross vehicle mass not exceeding 750 kilograms or a motor vehicle referred to in regulation 21(1) (c), (d), (e), (f), (g) or (h).*
- (2) *Notwithstanding anything to the contrary contained in these regulations, a motor vehicle contemplated in subregulation (1), shall not be registered unless such manufacturer, builder or importer holds a letter of authority for such motor vehicle.*
- (3) *Any motor vehicle manufactured, modified or imported by a manufacturer, builder or importer referred to in subregulation (1) shall be presented to the South African Police Service for clearance of such motor vehicle and a certification of roadworthiness shall be obtained for every such a motor vehicle prior to registration.*

***Powers and duties of inspectorate of manufacturers, builders and importers***

- Reg 44.** (1) *The inspectorate of manufacturers, builders and importers—*
- (a) *shall in terms of regulation 40 (1) (b), evaluate a manufacturer, builder or importer and make a recommendation to the chief executive officer regarding—*
    - (i) *the suitability of such manufacturer, builder or importer to be registered; and*
    - (ii) *the conditions upon which such manufacturer, builder or importer should be registered;*
  - (b) *shall, in respect of every registered manufacturer, builder or importer conduct at least one inspection per year to evaluate the compliance by such manufacturer, builder or importer with the relevant legislation, standards, specifications and codes of practice;*
  - (c) *may advise any registered manufacturer, builder or importer in writing on the improvement and maintenance of standards applied by the manufacturer, builder or importer concerned and submit a copy of such written advice to the chief executive officer;*
  - (d) *may advise any manufacturer, builder or importer in writing on the improvement of any motor vehicle design or any design of a motor vehicle modification being manufactured, modified or imported;*
  - (dA) *may specify in writing a model of motor vehicles manufactured, built or*

*imported by a registered manufacturer, builder or importer, in respect to which a certification of roadworthiness must be obtained for every motor vehicle of that model, and shall submit a copy of such written specification to the chief executive officer;*

- (dB) if a motor vehicle design, a design of a motor vehicle modification or an imported motor vehicle, being manufactured, modified or imported by a manufacturer, builder or importer, who is not required to be registered in terms of these regulations, comply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic, shall issue a letter of authority in respect of such design or imported;*
- (dC ) notwithstanding the provisions of paragraph (dB) no new body may e built or modified on a minibus, midibus or bus, operating in erms of an operating licence issued in accordance with the rovisions of the NLTTA by an unregistered body builder or mporter;*
- (e) shall, when necessary, recommend to the chief executive officer the suspension, cancellation or change in conditions of the registration of a manufacturer, builder or importer;*
- ( f ) if models of motor vehicles being manufactured, built, modified or imported by registered manufacturers, builders and importers com-ply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic, shall issue such models of motor vehicles with a model number;*
- (fA) shall, subject to subregulation (a), issue to a registered body builder, a model number for a completely new minibus, midibus or bus provided with a new body on a new chassis or chassis cab, or a modified body on a new chassis or chassis cab, or an imported new minibus, midibus or bus;*
- (fB) shall subject to the provisions of this regulation issue a certificate of compliance to any minibus or midibus registered on or before the enactment of this regulations, complying with the provisions of this Act and operating in terms of an operating licence, issued in accordance with the provisions of the NLTTA;*

*Provided that notwithstanding the exclusion contained in the Compulsory Specification for Motor vehicles of Category M2 and M3, no minibus and midibus first registered on or after 1 January 2006 operating in terms of an operating license issued in accordance with the provisions of the NLTTA shall be issued with a model number and a certificate of compliance, unless it complies with the superstructure requirement contemplated in SANS 1563 " The strength of large passenger vehicle superstructures (roll-over bars).*

- (g) may suspend or cancel the model number of models of motor vehicles in the event of such models not continuing to comply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic.*
- (2) A person employed by, or who acts on behalf of, the inspectorate of manufacturers, builders or importers, may at any reasonable time—*
- (a) for the purposes of evaluating a manufacturer, builder or importer and making a recommendation as contemplated in regulation 40 (1) (b) (i),*



*inspect, examine or test any motor vehicle which is being manufactured, built, modified or imported by such manufacturer, builder or importer; and*

*(b) without prior notice—*

- (i) enter the premises of any manufacturer, builder or importer;*
- (ii) inspect any records of such manufacturer, builder or importer; or*
- (iii) question any person with regard to any matter relating to the operation of such manufacturer, builder or importer.*

***Fee to defray expenditure incurred by inspectorate of manufacturers, builders and importers***

- Reg 45.** (1) *A manufacturer, builder or importer shall upon being registered as such, pay a fee to the inspectorate of manufacturers, builders and importers in respect of inspections carried out by the said inspectorate, to be determined by the Minister by notice in the Gazette, and thereafter such fee shall be so payable yearly upon the anniversary of the date of registration.*
- (2) *A manufacturer, builder or importer not required to be registered in terms of these regulations shall pay a fee to be determined by the Minister by notice in the Gazette, per motor vehicle design or design of motor vehicle modification of which the inspectorate of manufacturers, builders and importers is notified in terms of regulation 43(1), to the said inspectorate in respect of inspections carried out by it.*
- (3) *The inspectorate of manufacturers, builders and importers shall not later than 1 June of each year, submit to the Director-General a statement of fees received and costs incurred by or on behalf of such inspectorate, for the period 1 April to 31 March.*

***Procedure for change of particulars of registered manufacturer, builder or importer***

- Reg 46.** (1) *If there is any change of name, street or postal address, proxy, representative or acceptable identification of a registered manufacturer, builder or importer, such manufacturer, builder or importer shall, within 21 days after the date of such change, notify the chief executive officer of such change on form MIB as shown in Schedule 2.*
- (2) *On receipt of the notification referred to in subregulation (1), the chief executive officer shall update the particulars pertaining to such manufacturer, builder or importer in the register of manufacturers, builders and importers.*

***Manner of change of conditions upon which manufacturer, builder or importer is registered***

- Reg 47.** (1) *The chief executive officer shall notify a manufacturer, builder or importer of any intention to change the conditions upon which such manufacturer, builder or importer is registered, and of the extent of such change.*
- (2) *Within 21 days after receipt of the notification referred to in subregulation (1), the manufacturer, builder or importer concerned may make a written representation to the chief executive officer.*
- (3) *The chief executive officer shall consider any representation made in terms of*

*subregulation (2), if any.*

- (4) *When the conditions upon which a manufacturer, builder or importer is registered change—*
  - (a) *the chief executive officer shall notify the manufacturer, builder or importer concerned of such change; and*
  - (b) *the manufacturer, builder or importer concerned shall within 14 days after such change submit to the chief executive officer the certificate of registration issued to such manufacturer, builder or importer upon registration.*
- (5) *On receipt of the certificate of registration, the chief executive officer shall issue to the manufacturer, builder or importer concerned a new certificate of registration on form MCR as shown in Schedule 2, which shall reflect the new conditions.*

#### ***Manufacturers of number plates to register***

**Reg 48.** *No person shall manufacture or sell number plates unless such person is registered as a manufacturer of number plates in terms of these regulations.*

➤ **SEE REGULATION 341**

#### ***Manner of application by and registration of manufacturers of number plates***

- Reg 49.**
- (1) *An application for registration as a manufacturer of number plates in terms of section 5 of the Act shall be made on form MNP as shown in Schedule 2.*
  - (2) *An application referred to in subregulation (1) shall be accompanied by—*
    - (a) *the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;*
    - (b) *the appropriate fees as determined by the MEC of the province concerned;*
    - (c) *any other additional information or documents as may be required by the chief executive officer.*
  - (3) *On receipt of an application for registration as a manufacturer of number plates, the chief executive officer shall ensure that such application is in order.*
  - (4) *If the chief executive officer is satisfied that the applicant may be registered as a manufacturer of number plates he or she shall—*
    - (a) *register the applicant subject to the conditions prescribed in regulation 50, and if he or she deems fit, such conditions as are determined by him or her;*
    - (b) *record the particulars pertaining to such applicant in the register of manufacturers of number plates; and*
    - (c) *issue to such applicant a certificate of registration on form CRNPM as shown in Schedule 2, which shall reflect the conditions referred to in paragraph (a).*

- (5) *If the chief executive officer is not satisfied that the applicant may be registered as a manufacturer of number plates, he or she shall notify such applicant accordingly.*

***Conditions for registration as manufacturer of number plates***

- Reg 50.** (1) *Number plates manufactured by a manufacturer of number plates shall comply with the requirements of—*
- (a) *standard specification SABS 1116: “Retro-reflective Registration Plates for Motor Vehicles”, Part 2: “Registration plates (metal)” and Part 4: “Registration plates (plastics)”;* and
  - (b) *regulation 35(2) and (3).*
- (2) *Manufacturers of number plates shall keep a register of number plates manufactured, which register shall contain—*
- (a) *the licence number brought onto the number plate concerned;*
  - (b) *the date of manufacture of the number plate;*
  - (c) *the chassis number of the vehicle to which the number plate concerned is fitted;*
  - (d) *the acceptable identification of the person to whom the number plate concerned is sold; and*
  - (e) *such additional information as required by the chief executive officer.*
- (3) *The register of number plates must be put at the disposal of any traffic officer, member of the South African Police Service or any other local or provincial authority, upon request.*
- (4) *Manufacturers of number plates shall only use such materials and processes in the manufacture of number plates as are approved by the South African Bureau of Standards and for which test reports are held on the premises of such manufacturer of number plates.*
- (5) *The registration certificate of a manufacturer of number plates shall be displayed in a conspicuous position on the premises of such manufacturer of number plates in such a manner that it is visible to members of the public.*

***Manner of suspension or cancellation of registration of manufacturer of number plates***

- Reg 51.** (1) *If the chief executive officer intends to suspend or cancel the registration of a manufacturer of number plates in terms of section 5(4) of the Act he or she shall notify such manufacturer of such intention and the reason therefor.*
- (2) *The manufacturer of number plates referred to in subregulation (1), may, within 21 days after receipt of the notification referred to in that subregulation, make a written representation to the chief executive officer.*
- (3) *The chief executive officer shall after due consideration of any representation made in terms of subregulation (2), if any—*
- (a) *cancel the registration of the manufacturer of number plates concerned, or suspend such registration for such period as he or she may deem fit; or*

(b) *not cancel or suspend the registration of the manufacturer of number plates concerned,*

*and notify the manufacturer of number plates accordingly.*

- (4) *The manufacturer of number plates whose registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the chief executive officer the certificate of registration.*

## **CHAPTER IV**

### **FITNESS OF DRIVERS**

#### **Sec 8. Driving licence testing centre to be registered**

No person, department of State or registering authority shall operate a driving licence testing centre unless such testing centre is registered and graded.

#### **Sec 8A. Application for registration of driving licence testing centre**

- (1) Any department of State or registering authority desiring to operate a driving licence testing centre shall in the prescribed manner apply to the inspectorate of driving licence testing centres for the registration of such a testing centre.
- (2) A driving licence testing centre may, on the prescribed conditions, be registered and graded to test applicants for learners' licences only.
- (3) No department of State or registering authority shall operate a driving licence testing centre unless such testing centre is registered and graded in accordance with this Act.

#### ***Manner of application for registration of driving licence testing centre and identification of management representative and examiners for driving licences***

- Reg 91.** (1) *An application for the registration of a driving licence testing centre in terms of section 8 of the Act shall be made on form DTC as shown in Schedule 2, and a management representative and the examiners for driving licences shall be identified on such form in respect of the driving licence testing centre concerned.*
- (2) *An application referred to in subregulation (1) shall be accompanied by acceptable identification of the driving licence testing centre concerned, the management representative, and the examiners for driving licences identified under subregulation (1).*

#### ***Requirements for registration as driving licence testing centre***

- Reg 92.** *The requirements for registration as a driving licence testing centre shall be as specified in the manual of the Department "Minimum Requirements for Registration and Grading of Driving Licence Testing Centres" published by the Minister by notice in the Gazette.*

#### **Sec 9. Registration and grading of driving licence testing centres**

On receipt of an application referred to in section 8A the inspectorate of driving licence testing centres shall, if satisfied that, in relation to the driving licence testing centre concerned, the prescribed requirements for the registration of such a testing centre have been met, register and grade such testing centre in the prescribed manner, and give notice of such registration in the *Gazette*.

#### ***Manner of registration of driving licence testing centre***

- Reg 93.** (1) *The MEC shall, upon receipt of an application made in terms of regulation 91—*
- (a) *require the inspectorate of driving licence testing centres to—*
    - (i) *evaluate the testing centre concerned according to the requirements referred to in regulation 92; and*

- (ii) *recommend the appropriate grading thereof in terms of regulation 95; and*
  - (b) *with due regard to the evaluation and recommendations of the inspectorate of driving licence testing centres, satisfy himself or herself that the testing centre concerned complies with the requirements referred to in regulation 92.*
- (2) (a) *If the MEC is satisfied in terms of subregulation (1)(b), he or she shall—*
- (i) *grade such testing centre in terms of regulation 95;*
  - (ii) *record the particulars of such testing centre on the register of driving licence testing centres referred to in regulation 331(4)(a)(ii); and*
  - (iii) *issue to such applicant a certificate of registration on form CRF as shown in Schedule 2.*
- (b) *If the MEC is not satisfied that the testing centre concerned complies with the requirements referred to in regulation 92, he or she shall refuse to register such testing centre and shall notify the applicant accordingly.*

#### ***Change of registration particulars***

- Reg 94.** (1) *The management representative identified in terms of regulation 91 shall upon the change of any of the particulars submitted in terms of regulation 91, within 14 days after such change, notify the MEC and inspectorate of driving licence testing centres of such change on form DTC as shown in Schedule 2.*
- (2) *The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of driving licence testing centres referred to in regulation 331 (4) (a) (ii) accordingly.*

#### ***Grades of driving licence testing centres***

- Reg 95.** (1) *The MEC shall, with due regard to the evaluation and recommendation of the inspectorate of driving licence testing centres, grade a driving licence testing centre as grade A, B, C, D, E or F, as the case may be, if such driving licence testing centre complies with the appropriate grading requirements as referred to in regulation 92.*
- (2) *A driving licence testing centre, which is graded in terms of subregulation (1)—*
- (a) *as a grade A driving licence testing centre, is authorised to examine and test a person for a learner's licence of any code or driving licence of any code;*
  - (b) *as a grade B driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the codes B, EB, C1, C, EC1 and EC;*
  - (c) *as a grade C driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the codes A1, A and B;*

- (d) *as a grade D driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the code B;*
- (e) *as a grade E driving licence testing centre, is authorised to examine and test a person for a learner's licence of any code; or*
- (f) *as a grade F driving licence testing centre, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and to issue a new or duplicate driving licence card contemplated in regulation 108(5)(b) or 109 or professional driving permit;*
- (g) *as a grade A, B, C, D or E driving licence testing centre shall, notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998, in terms of section 19 of the Act, or to issue a driving licence in terms of section 20 (3), 23 (4) or 24 (3) of the Act or to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit.*

#### **Sec 10. Suspension or cancellation of registration of driving licence testing centre**

The inspectorate of driving licence testing centres may, if a registered driving licence testing centre no longer complies with the requirements referred to in section 9, suspend the registration of that testing centre for such period as it deems fit, or regrade or cancel it, in the prescribed manner.

#### ***Manner of suspension or cancellation of registration of a driving licence testing centre***

- Reg 96.**
- (1) *The MEC shall upon being notified that a registered driving licence testing centre does not comply with the provisions of regulation 92, or upon a recommendation as contemplated in regulation 97(1)(e), immediately request the inspectorate of driving licence testing centres to investigate such driving licence testing centre.*
  - (2) *The MEC shall, in considering the suspension or cancellation of the registration of a driving licence testing centre—*
    - (a) *notify the management representative identified in terms of regulation 91(1), of the failure of such driving licence testing centre to comply with the requirements of regulation 92; and*
    - (b) *demand from such management representative to indicate in writing within 14 days from the date of the said notification—*
      - (i) *the reason for such failure; and*
      - (ii) *the details of the measures that have been taken to rectify and prevent such failure.*
  - (3) *If the MEC is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the management representative and may—*

- (a) *suspend; or*
  - (b) *cancel,*
- the registration of such driving licence testing centre.*
- (4) *If the MEC suspends or cancels the registration of a driving licence testing centre, he or she shall—*
- (a) *notify such driving licence testing centre of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and*
  - (b) *give notice in the Provincial Gazette of the suspension or cancellation referred to in paragraph (a).*
- (5) *The management representative of a driving licence testing centre, the registration of which has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC—*
- (a) *the certificate of registration referred to in regulation 93(2)(a)(iii) issued in respect of such driving licence testing centre;*
  - (b) *any documents held but not issued by such driving licence testing centre; and*
  - (c) *a reconciliation of forms held and issued, and blank forms.*

#### **Sec 11. Appointment of inspectorate of driving licence testing centres**

- (1) The Minister shall, after a decision has been taken by the Shareholders Committee, appoint a person, an authority or a body as an inspectorate of driving licence testing centres.
- (2) The powers and duties of the inspectorate contemplated in subsection (1) in relation to the inspection and the control of standards, grading and operation of driving licence testing centres shall be as prescribed.
- (3) The Minister may, in order to defray expenditures incurred by or on behalf of that inspectorate for the purposes of performance of its functions, prescribe fees to be paid in respect of inspections carried out in terms of this Act.
- (4) The Minister shall prescribe the training procedures and qualifications of a person appointed under subsection (1).

#### ***Powers and duties of inspectorate of driving licence testing centres***

##### ***Reg 97.(1) The inspectorate of driving licence testing centres—***

- (a) *shall, in terms of regulation 93 (1) (a), evaluate the driving licence testing centre concerned in accordance with the requirements referred to in regulation 92, and recommend to the MEC—*
  - (i) *the suitability of such centre to be registered as a driving licence testing centre; and*
  - (ii) *the grading of such centre;*



- (b) *shall, in respect of every registered driving licence testing centre, conduct at least one inspection per year to monitor the standards applied at such centre;*
  - (c) *shall advise any driving licence testing centre on the improvement and maintenance of testing facilities and procedures at such centre, if deemed necessary;*
  - (d) *shall, when necessary, recommend to the MEC the suspension or cancellation of the registration of an examiner for driving licences; and*
  - (e) *shall, when necessary, recommend to the MEC to suspend, degrade or cancel the registration of a driving licence testing centre.*
- (2) *A person who acts on behalf of the inspectorate of driving licence testing centres, may at any reasonable time, with regard to the requirements referred to in regulation 92, without prior notice—*
- (a) *enter the premises of any driving licence testing centre;*
  - (b) *inspect any records of the driving licence testing centre;*
  - (c) *question any person with regard to any matter relating to the operation of the driving licence testing centre referred to in paragraph (a); and*
  - (d) *accompany an examiner for driving licences in any motor vehicle when such examiner is examining or testing a person for a driving licence for the purpose of evaluation of the said examiner.*

## **Sec 12. Driver of motor vehicle to be licensed**

No person shall drive a motor vehicle on a public road—

- (a) *except under the authority and in accordance with the conditions of a licence issued to him or her in terms of this Chapter or of any document deemed to be a licence for the purposes of this Chapter; and*
- (b) *unless he or she keeps such licence or document or any other prescribed authorisation with him or her in the vehicle.*

### ***Authorisation which serves as licence in terms of section 12 of the Act***

**Reg 100.** (1) *If—*

- (a) *a person's driving licence card has been stolen, lost, destroyed or defaced; or*
- (b) *a driving licence testing centre has authorised that a driving licence be issued to a person, and the driving licence card is being processed by the Card Production Facility,*

*a duly completed form TDL as shown in Schedule 2, issued by an examiner for driving licences or a person duly authorised to do so, shall be an authorisation in terms of section 12 of the Act, for a period of six months from its date of issue, or until the date on which the person to whom it was issued, receives his or her original or duplicate driving licence card, whichever date is the earlier.*

- (2) *A person referred to in—*

- (a) *subregulation (1)(a), may request the said form TDL, from any driving licence testing centre; or*
  - (b) *subregulation (1)(b), may request form TDL from the driving licence testing centre which authorised that the driving licence be issued.*
- (3) *The request referred to in subregulation (2) shall be done on form DL1 and be accompanied by—*
  - (a) *acceptable identification of the person concerned;*
  - (b) *two photographs of such person that comply with regulation 103(1); and*
  - (c) *if the applicant does not hold, or has never held, a driving licence authorising the driving of a motor vehicle of a class to which the application relate, the appropriate fees for an application for form TDL as determined by the MEC of the province concerned.*
- (4) *On receipt of the request, an examiner for driving licences or a person authorised to do so shall—*
  - (a) *in the circumstances referred to in subregulation (2)(a), determine whether the person is the holder of a valid licence;*
  - (b) *in the circumstances referred to in subregulation (2)(b), determine the code of licence as contained in the authorisation as referred to in regulation 108(1)(a);*
  - (c) *complete form TDL as shown in Schedule 2 and indicate the codes of driving licences and professional driving permits, if applicable, held by the person concerned;*
  - (d) *affix one photograph to the original form TDL and one photograph to its carbon copy, or to the application form if the form TDL was printed by the computerised register;*
  - (e) *ensure that the person signs the form TDL;*
  - (f) *affix one lamination strip to the original form TDL and another to its carbon copy, or to the application form if the form TDL was printed by the computerised register, to cover the photograph, personal particulars, code of licence and professional driving permit, if applicable, of such person; and*
  - (g) *issue the original form TDL to the person concerned and retain its carbon copy, or the application form if the form TDL was printed by the computerised register, for record purposes.*
- (5) (a) *Subject to paragraphs (b) and (c), a copy of an affidavit regarding the theft, loss, destruction or defacement of a licence made at a driving licence testing centre or police station and which—*
  - (i) *contains the official date stamp of the authority concerned;*
  - (ii) *contains the—*
    - (aa) *full names;*
    - (bb) *identity number or date of birth;*
    - (cc) *full address; and*

- (dd) *code of licence with all endorsements and restrictions applicable thereto, of the deponent; and*
- (iii) *describes the circumstances under which the licence was stolen, lost, destroyed or defaced,*  
*shall be an authorisation in terms of section 12 of the Act, for a period of three days after the date on which it was issued.*
- (b) *If the affidavit referred to in paragraph (a) is made at a police station, such affidavit shall also contain the crime administration number (CAS) or the occurrence book number (OB), as the case may be.*
- (c) *The driving licence testing centre or police station at which an affidavit is made shall retain the original affidavit for record purposes.*

**Sec 13. Licence to drive, either learner's or driving licence**

A licence authorising the driving of a motor vehicle shall be issued by a driving licence testing centre in accordance with this Chapter and shall be either—

- (a) a provisional licence, to be known as a learner's licence; or
- (b) a licence, to be known as a driving licence,

and, except as otherwise provided in this Chapter, no person shall be examined or tested for the purpose of the issue to him or her of a driving licence unless he or she is the holder of a learner's licence.

**Sec 14. Prescribing, classification and extent of learner's or driving licence**

Subject to this Chapter—

- (a) the category of a learner's or driving licence;
  - (b) the class of motor vehicle to which each category of such licence relates;
  - (c) the authority granted by such licence;
  - (d) the period of validity of such licence;
  - (e) the limitations to which the authority granted by such licence shall be subject; and
  - (f) the form and content of such licence,
- shall be as prescribed.

***Categories of learner's and driving licences, classes of motor vehicles relating to each category of such licences and the authority conveyed by such licences***

**Reg 99.** (1) *The categories of learner's licences and the classes of motor vehicles pertaining to each code of learner's licence are:*

- (a) *Code 1: Motor cycle with or without side-car or motor tricycle;*

- (b) *Code 2: Motor vehicle, other than a motor cycle or tricycle, the tare of which does not exceed 3 500 kilograms, a minibus, bus or goods vehicle the gross vehicle mass of which does not exceed 3 500 kilograms, an articulated motor vehicle or combination of a motor vehicle and trailer of which the gross combination mass of the truck-tractor or drawing vehicle does not exceed 3 500 kilograms, or a tractor; and*
- (c) *Code 3: Any motor vehicle or combination of motor vehicles other than a motor cycle or tricycle.*
- (2) (a) *The holder of a learner's licence shall, except where such licence relates to a motor vehicle having no seating accommodation for a passenger or to a motor cycle, when driving the vehicle concerned, be accompanied in or on that vehicle by, and be under the direct personal supervision of a person seated next to him or her, or immediately behind him or her, where such person cannot be seated next to him or her, and who is in possession of a licence, other than a learner's or similar licence, authorising him or her to drive that class of motor vehicle.*
- (b) *A learner's licence in respect of a motor cycle shall not authorise the holder of it to drive a motor cycle on a public road while carrying another person.*
- (c) *A learner's licence shall not authorise the driving of a motor vehicle while carrying persons for reward, other than a person accompanying the holder of a learner's licence in terms of paragraph (a).*
- (3) *A learner's licence with the code mentioned in the first column of the table below issued before 1 March 1998, shall be regarded as a learner's licence with the code mentioned against it in the second column of the table:*

<b><i>CODE OF LEARNER'S LICENCE ISSUED BEFORE 1 MARCH 1998</i></b>	<b><i>NEW CODE LEARNER'S LICENCE</i></b>
<i>Code 01, 02, 03, 04 and 15 or a code 12 for aforementioned codes</i>	<i>Code 1</i>
<i>Code 05, 06, 07, 08 or a code 12 for aforementioned codes</i>	<i>Code 2</i>
<i>Code 10, 11, 13 and 14 or a code 12 for aforementioned codes</i>	<i>Code 3</i>

- (4) (a) *the categories of driving licences are indicated by the codes mentioned in the first column of the table below, each of which pertains to the classes of motor vehicles mentioned against it in the second column of the table, and authorises the holder of such code to drive the motor vehicles mentioned against it in the said second column and third column of the table:*

<b>CODE</b>	<b>CLASS OF MOTOR VEHICLE</b>	<b>AUTHORISATION</b>
<b>A1</b>	<p>A motor cycle without side-car which has an engine with a cylinder capacity not exceeding 125 cubic centimetres, or which is propelled by electrical power, but does not include—</p> <p>(i) any vehicle propelled by electrical power derived from storage batteries and which is pedestrian controlled; or</p> <p>(ii) any vehicle with a tare not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability or a person of old age and used solely by such person.</p>	<p>Includes authorisation to drive—</p> <p>(i) (aa) a motor cycle with a side-car; (bb) a motor tricycle;</p> <p>which has an engine with a cylinder capacity not exceeding 125 cubic centimetres; and</p> <p>(ii) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor.</p>
<b>A</b>	<p>A motor cycle without a side-car which has an engine with a cylinder capacity exceeding 125 cubic centimetres.</p>	<p>Includes authorisation to drive—</p> <p>(i) a motor cycle with or without a sidecar; (ii) a motor tricycle; and (iii) any other motor vehicle for which a code A1 driving licence is required.</p>

<b>CODE</b>	<b>CLASS OF MOTOR VEHICLE</b>	<b>AUTHORISATION</b>
<b>B</b>	<p>A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being—</p> <p>(i) a motor vehicle, including a motor home, the tare of which does not exceed 3 500 kilograms; or</p> <p>(ii) a minibus, a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms,</p> <p>with or without a trailer, the gross vehicle mass of which does not exceed 750 kilograms, but does not include an articulated motor vehicle.</p>	<p>Includes authorisation to drive—</p> <p>(i) a tractor; and (ii) a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, with or without a trailer.</p>
<b>C1</b>	<p>A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being -</p> <p>(i) a motor vehicle, the tare of which exceeds 3 500 kilograms but does not exceed 16 000 kilograms; or</p> <p>(ii) a minibus, a bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms but does not exceed 16 000 kilograms,</p> <p>with or without a trailer, the gross vehicle mass of which does not exceed 750 kilograms, but does not include an articulated motor vehicle.</p>	<p>Includes authorization to drive any motor vehicle for which a code B driving licence is required.</p>

<b>CODE</b>	<b>CLASS OF MOTOR VEHICLE</b>	<b>AUTHORISATION</b>
<b>C</b>	A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being a bus or a goods vehicle, the gross vehicle mass of which exceeds 16 000 kilograms, with or without a trailer the gross vehicle mass of which does not exceed 750 kilograms, but does not include an articulated motor vehicle.	Includes authorisation to drive any motor vehicle for which a code B or C1 driving licence is required.
<b>EB</b>	A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being – (i) an articulated motor vehicle, of which the gross combination mass of the truck-tractor does not exceed 3 500 kilograms (ii) a combination of – (aa) a motor vehicle the tare of which does not exceed 3 500 kg, (bb) a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms, with a trailer the gross vehicle mass of which exceeds 750 kilograms.	Includes authorisation to drive any motor vehicle for which a code B driving licence is required.
<b>EC1</b>	A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being – (i) an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 3 500 kilograms but does not exceed 16 000 kilograms; (ii) a combination of— (aa) a motor vehicle the tare of which exceeds 3 500 kg but does not exceed 16 000 kg; or (bb) a minibus, midibus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms but does not exceed 16 000 kilograms, with a trailer the gross vehicle mass of which exceeds 750 kilograms.	Includes authorisation to drive any motor vehicle for which a code B, C1 or EB driving licence is required.

<b>EC</b>	<p>A motor vehicle, excluding a motor cycle, motor tricycle, tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being –</p> <p>(i) an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 16 000 kilograms;</p> <p>(ii) a combination of a bus or goods vehicle, the gross vehicle mass of which exceeds 16 000 kilograms,</p> <p>with a trailer the gross vehicle mass of which exceeds 750 kilograms.</p>	Includes authorisation to drive any motor vehicle for which a code B, C1, C or EB or EC1 driving licence is required.
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- (b) *The holder of a driving licence of the code mentioned in the table below, which was issued before 1 March 1998, as contemplated in section 19 or 20 of the Act (hereinafter referred to as the “old licence”), shall, subject to paragraph (bA), upon application in terms of regulation 111 or 112, respectively, be issued in terms of regulation 108 with a driving licence (hereinafter referred to as the “new licence”) of the code mentioned against the old licence in the first column of the table below.*

LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/01
A1	Code 01: A motor cycle with or without side-car or motor tricycle, which has an engine with a cylinder capacity not exceeding 125 cm <sup>3</sup> ; or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of “motor vehicle” contained in section 1 of the Act.	Code 01: A motor cycle without side-car which has an engine with a cylinder capacity not exceeding 50 cm; or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of “motor vehicle” contained in section 1 of the Act.	A motor cycle without side-car which has an engine with a cylinder capacity not exceeding 50 cm; or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of “motor vehicle” contained in section 1 of the Road Traffic Ordinance and generally known as “code 01”.	Motor cycle without sidecar which has an engine with a cylinder capacity not exceeding 50 cm; and generally known as “code 01”.	Motor cycle without side-car with an engine of which the cylinder capacity does not exceed 50 cm; and generally known as “code 01”.	Motor cycle without side-car with an engine of which the cylinder capacity does not exceed 50 cm; and generally known as “code 01”. “code 03”.

LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/01
A	Code 15: A motor cycle with or without side-car or motor tricycle, which has an engine with a cylinder capacity exceeding 125 cm <sup>3</sup> .	(i) Code 02: A motor cycle without side-car which has an engine with a cylinder capacity exceeding 50 cm <sup>3</sup> and not exceeding 250 cm <sup>3</sup> ; (ii) code 15: A motor cycle without side-car which has an engine with a cylinder capacity exceeding 250 cm <sup>3</sup> ; (iii) code 03: A motor cycle with side-car; and (iv) code 04: A motor tricycle.	(i) A motor cycle without side-car which has an engine with a cylinder capacity exceeding 50 cm <sup>3</sup> and generally known as “code 02”; (ii) a motor cycle with side-car and generally known as “code 03”; and (iii) a motor tricycle, generally known as “code 04”.	(i) A motor cycle without side-car which has an engine with a cylinder capacity exceeding 50 cm <sup>3</sup> and generally known as “code 02”; (ii) a motor cycle with side-car and generally known as “code 03”; and (iii) a motor tricycle, generally known as “code 04”.	(i) A motor cycle without side-car with an engine of which the cylinder capacity exceeds 50 cm <sup>3</sup> , generally known as “code 02”; and (ii) a motor cycle with side-car and a motor tricycle, generally known as “code 03”.	(i) A motor cycle without side-car with an engine of which the cylinder capacity exceeds 50 cm <sup>3</sup> , generally known as “code 02”; and (ii) a motor cycle with side-car and a motor tricycle, generally known as



LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/01
B	<p>(i) Code 05: A tractor;</p> <p>(ii) code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 07 as referred to item (iii);</p> <p>(iii) code 07: A motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, the type of which is specified in the driving licence; and</p> <p>(iv) code 12: A motor vehicle of a class as contemplated in code 05 or code 07 as referred to item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) Code 05: A tractor;</p> <p>(ii) code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 07 as referred to item (iii);</p> <p>(iii) code 07: A motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, the type of which is specified in the driving licence; and</p> <p>(iv) code 12: A motor vehicle of a class as contemplated in code 05 or code 07 as referred to item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) A tractor which is not propelled by electrical power and generally known as “code 05”;</p> <p>(ii) a motor vehicle which is propelled by electrical power and is of a class as contemplated in item (iii), and generally known as “code 06”;</p> <p>(iii) a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, the type of which is specified in the driving licence and generally known as “code 07”;</p> <p>(iv) code 12: A motor vehicle of a class as contemplated in item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) A tractor which is not propelled by electrical power and generally known as “code 05”;</p> <p>(ii) a motor vehicle propelled by electrical power of a class as contemplated in item (iii) and generally known as “code 06”;</p> <p>(iii) a motor vehicle, being a type of mobile agricultural or industrial equipment or machinery, which is not designed principally for the conveyance of persons or goods, and the type of which is specified in the driving licence and generally known as “code 07”;</p> <p>(iv) code 12: A motor vehicle of a class as contemplated in item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) A motor vehicle being a type of mobile agricultural or industrial equipment or machinery which is not designed principally for the conveyance of persons or goods, the type of which is specified in the driving licence; and</p> <p>(ii) a motor vehicle of a class as contemplated in item (i) which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(i) Power-propelled vehicles and machinery, including motor vehicles propelled by electrical- or steam power; and</p> <p>(ii) a motor vehicle of a class as contemplated in item (i) which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>

LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/01
EB	<p>(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 08 as referred to in item (ii);</p> <p>(ii) code 08: A light motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which does not exceed 3 500 kg;</p> <p>(bb) a minibus, bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or</p> <p>(cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg; and</p> <p>(iii) code 12: A motor vehicle of a class as contemplated in code 08 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 08 as referred to in item (ii);</p> <p>(ii) code 08: A light motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which does not exceed 3 500 kg;</p> <p>(bb) a minibus, bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or</p> <p>(cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg; and</p> <p>(iii) code 12: A motor vehicle of a class as contemplated in code 08 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”;</p> <p>(ii) a light motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which does not exceed 3 500 kg;</p> <p>(bb) a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or</p> <p>(cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg, generally known as “code 08”; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as Acode 06”;</p> <p>(ii) a light motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which does not exceed 3 500 kg;</p> <p>(bb) a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or</p> <p>(cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg, generally known as “code 08”; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”;</p> <p>(ii) a light motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which does not exceed 7 700 lbs;</p> <p>(bb) a bus or a goods vehicle, the gross vehicle mass of which does not exceed 7 700 lbs, generally known as “code 08”; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”;</p> <p>(ii) a light motor vehicle being a motor vehicle or combination of motor vehicles or goods vehicles, the gross vehicle mass or combination mass of which does not exceed 7 700 lbs and generally known as “code 08”; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>

LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/01
EC1	<p>(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 10 as referred to in item (ii);</p> <p>(ii) code 10: A heavy motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which exceeds 3 500 kg but does not exceed 16 000 kg;</p> <p>(bb) a minibus or a bus the gross vehicle mass of which exceeds 3 500 kg; or</p> <p>(cc) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 16 000 kg, but does not include an articulated motor vehicle; and</p> <p>(iii) code 12: A motor vehicle of a class as contemplated in code 10 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 10 as referred to in item (ii);</p> <p>(ii) code 10: A heavy motor vehicle, being—</p> <p>(aa) a motor vehicle, the tare of which exceeds 3 500 kg but does not exceed 16 000 kg;</p> <p>(bb) a minibus or a bus the gross vehicle mass of which exceeds 3 500 kg; or</p> <p>(cc) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 16 000 kg, but does not include an articulated motor vehicle; and</p> <p>(iii) code 12: A motor vehicle of a class as contemplated in code 10 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as Acode 06";</p> <p>(ii) a heavy motor vehicle, excluding an articulated motor vehicle, being—</p> <p>(aa) a motor vehicle of which the tare does not exceed 16 000 kg; or</p> <p>(bb) a goods vehicle of which the gross vehicle mass does not exceed 16 000 kg, generally known as "code 10"; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".</p>	<p>(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as "code 06";</p> <p>(ii)(aa) a medium motor vehicle, the tare of which exceeds 3 500 kg; or</p> <p>(bb) if such vehicle is a bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 9 000 kg, and generally known as "code 09"; and</p> <p>(iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".</p>		

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EC	<p>(i) Code 11: An extra heavy vehicle, being—</p> <p>(aa) a motor vehicle the tare of which exceeds 16 000 kg; or</p> <p>(bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle;</p> <p>(ii) code 13: A heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 3 500 kg but does not exceed 25 000 kg;</p> <p>(iii) code 14: An extra heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 25 000 kg; and</p>	<p>(i) Code 11: An extra heavy vehicle, being—</p> <p>(aa) a motor vehicle the tare of which exceeds 16 000 kg; or</p> <p>(bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle;</p> <p>(ii) code 13: A heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 3 500 kg but does not exceed 25 000 kg;</p>	<p>(i) An extra heavy vehicle, being—</p> <p>(aa) a motor vehicle the tare of which exceeds 16 000 kg or;</p> <p>(bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle, and generally known as “code 11”;</p> <p>(ii) a heavy articulated motor vehicle, being an articulated motor vehicle the gross combination mass of which exceeds 3 500 kg but does not exceed 25 000 kg, generally known as “code 13”;</p>	<p>(i) A heavy motor vehicle the tare of which exceeds 9 000 kg but does not exceed 16 000 kg, generally known as “code 10”;</p> <p>(ii) an extra heavy motor vehicle, the tare of which exceeds 16 000 kg or, if such motor vehicle is a bus or goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, and generally known as “code 11”;</p> <p>and</p>	<p>(i) A heavy motor vehicle the tare of which exceeds 7 700 lbs but does not exceed 30 000 lbs and generally known as “code 10”;</p> <p>(ii) a bus or goods vehicle the gross vehicle mass of which exceeds 7 700 lbs but does not exceed 30 000 lbs and generally known as “code 10”;</p> <p>(iii) an extra heavy motor vehicle the tare of which exceeds 30 000 lbs;</p>	<p>(i) A heavy motor vehicle being a motor vehicle or combination of motor vehicles the gross vehicle mass of which exceeds 7 700 lbs and generally known as a “code 10”;</p> <p>(ii) a motor vehicle of a class as contemplated in item (i), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>
EC	<p>(iv) code 12: A motor vehicle of a class as contemplated in code 11, 13 or 14, as referred to in items (i), (ii) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(iii) code 14: An extra heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 25 000 kg; and</p> <p>(iv) code 12: A motor vehicle of a class as contemplated in code 11, 13 or 14 as referred to in item (i), (ii) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.</p>	<p>(iii) an extra heavy articulated motor vehicle, being an articulated vehicle the gross combination mass of which exceeds 25 000 kg and generally known as “code 14”;</p> <p>and</p> <p>(iv) a motor vehicle of a class as contemplated in item (i), (ii) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(iii) a motor vehicle of a class as contemplated in item (i) or (ii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	<p>(iv) a bus or goods vehicle, the gross vehicle mass of which exceeds 30 000 lbs and generally known as “code 11”;</p> <p>and</p> <p>(v) a motor vehicle of a class as contemplated in item (i), (ii), (iii) or (iv), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.</p>	

- (bA) *If an applicant's application referred to in paragraph (b) relates to a new licence of the code EC1 or EC and the applicant is disqualified in terms of regulation 102 from holding such new licence, but is not so disqualified from holding a new licence of the code EB, such applicant's application shall for the purposes of regulation 102 be deemed to be an application which relates to a new licence of the code EB, and that applicant shall be issued with a new licence of that code*
- (bB) *Notwithstanding anything to the contrary in these regulations, the holder of an old licence with code 05 or 07, or generally known as a code 05 or 07, shall upon application in terms of regulation 111 or 112, whichever the case may be, be issued in terms of regulation 108 with a new licence with code B which shall—*
  - (i) *in the case of an application which relates to an old licence with the code 05, contain an endorsement of code 5 which indicates that the holder of such licence is only authorised to drive a tractor of any mass, with or without a trailer of any mass; and*
  - (ii) *in the case of an application which relates to an old licence with the code 07, contain an endorsement of code 7 which indicates that the holder of such licence is only authorised to drive a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, of any weight, with or without a trailer of any mass.*
- (c) *Subject to paragraph (bB), the authority granted by the new licence is as prescribed for the code of such licence in paragraph (a), but if the licence is a code EC1 driving licence, the holder of it is authorised to drive the class of motor vehicle for which he or she had authority under the old licence.*
- (cA) *In the case where the old licence authorises the driving of a motor vehicle which is propelled by electrical power, the authority granted by the new licence is, subject to the new licence being endorsed in terms of section 18(4)(a) of the Act, as prescribed for the relevant code of such licence in paragraph (a).*
- (d) *In the case where the old licence authorises the driving of a motor vehicle specially adapted, constructed or equipped for use by a physically disabled person, the authority granted by the new licence is, subject to the new licence being endorsed in terms of section 18(4)(b) of the Act, as prescribed for the relevant code of such licence in paragraph (a).*

### ***Period of validity of learner's and driving licences***

- Reg 101.** (1) *The period of validity of a learner's licence issued or deemed to be issued in terms of section 17 of the Act shall be 18 months from the date of examination and test referred to in section 17(2) of the Act.*
- (2) (a) *The period of validity of a driving licence issued or deemed to be issued in terms of section 18 of the Act shall be indefinite, unless such licence has been suspended or cancelled in terms of the Act.*
- (b) (i) *The holder of a driving licence that was issued before 1 March 1998, who*

wishes to substitute such licence as contemplated in section 19 of the Act, shall apply for such substitution before or within the period determined by the Minister by notice in the Gazette.

- (ii) Different periods may be determined under subparagraph (i) in respect of licence holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

**Regulation 101**

*[Government Gazette No: 32959, Notice number 134,  
dated 17 February 2010]*

**EXTENTION FOR THE VALIDITY PERIOD OF A LEARNER'S LICENCE**

I, **S'busiso Joel Ndebele**, Minister of Transport, acting in terms of Section 75 read with regulation 101 of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996), hereby extend the period of validity of a learner's licence from 18 months to 24 months.

(Signed)

**S'busiso Joel Ndebele**

**MINISTER OF TRANSPORT**

*(dated 17 February 2010)*

**Sec 15. Disqualification from obtaining or holding learner's or driving licence**

- (1) A person shall be disqualified from obtaining or holding a learner's or driving licence—
- (a) if he or she—
- (i) in the case of any licence for a motor cycle, motor tricycle or motor quadrucycle having an engine with a cylinder capacity not exceeding 125 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle", is under the age of 16 years;
- (ii) in the case of a learner's licence for a light motor vehicle, being a motor vehicle not of a class referred to in subparagraph (i) and the tare of which does not exceed 3 500 kilograms or, where such motor vehicle is—
- (aa) a bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms;
- (bb) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kilograms,
- is under the age of 17 years; or
- (iii) in the case of any other licence, is under the age of 18 years;
- (b) during any period in respect of which he or she has been declared by a competent court or authority to be disqualified from obtaining or holding a licence to drive a motor vehicle, while such disqualification remains in force;

- (c) where a licence to drive a motor vehicle held by him or her has been suspended by a competent court or authority, while such suspension remains in force;
  - (d) where a licence to drive a motor vehicle held by him or her has been cancelled by a competent court or authority, for such period as he or she may not apply for a licence;
  - (e) if such licence relates to a class of motor vehicle which he or she may already drive under a licence held by him or her;
  - (f) if he or she is suffering from one of the following diseases or disabilities:
    - (i) Uncontrolled epilepsy;
    - (ii) sudden attacks of disabling giddiness or fainting due to hypertension or any other cause;
    - (iii) any form of mental illness to such an extent that it is necessary that he or she be detained, supervised, controlled and treated as a patient in terms of the Mental Health Act, 1973 (Act No. 18 of 1973);
    - (iv) any condition causing muscular incoordination;
    - (v) uncontrolled *diabetes mellitus*;
    - (vi) defective vision ascertained in accordance with a prescribed standard;
    - (vii) any other disease or physical defect which is likely to render him or her incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public: Provided that deafness shall not of itself be deemed to be such a defect;
  - (g) if he or she is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor; or
  - (h) in such other circumstance as may be prescribed, either generally or in respect of a particular class of learner's or driving licence.
- (2) The chief executive officer concerned may, if he or she deems it expedient and on such conditions as he or she may deem fit, declare that any person shall no longer be subject to any disqualification, suspension or cancellation by a competent authority referred to in subsection (1) (b), (c) or (d), respectively: Provided that in the case of any cancellation such declaration shall be subject to section 25 (9).

***Defective vision disqualifying person from obtaining or holding licence***

**Reg 102.** (1) *A person shall be disqualified from obtaining or holding a learner's or driving licence unless—*

- (a) *in the case of an application for a learner's or driving licence relating to the codes A1, A, B or EB, such person has—*
  - (i) *according to the Snellen rating a minimum visual acuity, with or without refractive correction, of 6/12 (20/40) for each eye, or where the visual acuity of one eye is less than 6/12 (20/40) or where one eye of the person concerned is blind, a minimum visual acuity for the other eye of 6/9 (20/30); and*

- (ii) *a minimum visual field of 70 degrees temporal, with or without refractive correction, in respect of each eye, or where the minimum visual field in respect of one eye is less than 70 degrees temporal, or where one eye is blind, a minimum total horizontal visual field of at least 115 degrees with or without refractive correction; or*
- (b) *in the case of an application for a learner's or driving licence relating to the codes C1, C, EC1 and EC, such person has—*
  - (i) *according to the Snellen rating a minimum visual acuity, with or without refractive correction, of 6/9 (20/30) for each eye; and*
  - (ii) *a minimum visual field of 70 degrees temporal in respect of each eye, with or without refractive correction.*
- (2) (a) *A person who is disqualified in terms of subregulation (1) may at such person's expense approach a registered optometrist or ophthalmologist to test such person's eyes in terms of the standards referred to in subregulation (1), and the result of such test shall, if it duly reflects the visual acuity of such person according to the Snellen rating, and his or her field of vision expressed in degrees, as contemplated in subregulation (1), be accepted by the driving licence testing centre.*
- (b) *If the result contemplated in paragraph (a) indicates that the person concerned is disqualified as contemplated in subregulation (1), the driving licence testing centre shall not issue such person with a learner's or driving licence with a code to which the application of that person relates.*

**Sec 16. Failure to disclose disqualification in respect of licence authorising driving of motor vehicle prohibited**

- (1) No person shall, when applying for a learner's or driving licence, wilfully fail to disclose any disqualification to which he or she is subject in terms of section 15.
- (2) Any person who—
  - (a) is the holder of a licence authorising the driving of a motor vehicle in terms of this Chapter; and
  - (b) becomes aware thereof that he or she is disqualified from holding such licence,
 shall, within a period of 21 days after having so become aware of the disqualification, submit the licence or, in the case where it is contained in an identity document, that document to the chief executive officer of the province concerned.
- (3) When a licence is submitted in terms of subsection (2) the chief executive officer shall cancel it and if the licence was issued in a prescribed territory he or she shall notify the authority which issued it of the cancellation: Provided that if the chief executive officer is satisfied that the holder thereof is competent to drive the class of motor vehicle concerned with the aid of glasses, an artificial limb or any other physical aid, the chief executive officer shall, in the case where the licence—
  - (a) is contained in an identity document—
    - (i) not cancel the licence, but endorse the licence accordingly and such endorsement shall be a condition subject to which the licence is held;



- (ii) return the identity document to the holder thereof; or
- (b) is not contained in an identity document, issue or authorise the issue of a new licence in the prescribed manner reflecting the conditions on which it is issued.

## **Sec 17. Application for and issue of learner's licence**

- (1) Subject to section 24, a person desiring to obtain a learner's licence shall in person apply therefor in the prescribed manner to an appropriately graded driving licence testing centre.
- (2) Upon receipt of an application in terms of subsection (1), the driving licence testing centre concerned shall, if it is satisfied from the information furnished or from such further information as such centre may reasonably request, that the applicant is not disqualified from obtaining a learner's licence, determine a day on and time at which the applicant shall present himself or herself to be evaluated in the manner and in respect of the matters prescribed.
- (3) If the driving licence testing centre is satisfied that the applicant, after being evaluated in the prescribed manner, has sufficient knowledge of the matters prescribed in respect of the class of vehicle concerned, and is not disqualified in terms of section 15 from obtaining a learner's licence, the driving licence testing centre shall issue a learner's licence in the prescribed manner to such applicant in respect of the appropriate class of motor vehicle, and the driving licence testing centre shall—
  - (a) in the case where the applicant is found to be competent to drive with the aid of spectacles or contact lenses, an artificial limb or other physical aid, endorse the licence accordingly; and
  - (b) in the case where the applicant is a physically disabled person who has to drive a vehicle adapted for physically disabled persons, or a vehicle adapted specifically for that physically disabled applicant, endorse the licence accordingly; and
- (4) No person shall wilfully or negligently issue or authorise the issue of a learner's licence contrary to the provisions of this Chapter.
- (5) Any applicant for a learner's licence who makes use of any unauthorised aid during a test for a learner's licence shall be guilty of an offence and upon conviction shall be liable, in addition to any other sentence which the court may impose, to be disqualified from reapplying for a learner's licence for a period not exceeding 12 months from the date of conviction.
- (6) If the court makes an order disqualifying the applicant from reapplying for a learner's licence, and the State leads evidence to the effect that the applicant has obtained a learner's licence in the meanwhile, the court shall require the accused to produce any such licence and shall deal with it in the manner contemplated in section 34 (1) (b).

### ***Manner of application for learner's licence***

- Reg 103.** (1) *An application in terms of section 17(1) or section 24(1) of the Act shall be made by the applicant at a driving licence testing centre on form LL1 as shown in Schedule 2, and shall be accompanied—*
- (a) *by two identical black and white or colour photographs of the applicant which—*

- (i) *shall have been recently taken;*
  - (ii) *shall be clear cut and without shadows;*
  - (iii) *shall be 40 millimetres in length and 30 millimetres in width;*
  - (iv) *shall depict only the head and shoulders of the applicant;*
  - (v) *shall show the applicant's full face;*
  - (vi) *shall, subject to item (vii), show the applicant without headgear;*
  - (vii) *may, if the applicant wears headgear required by a religion of which he or she is a bona fide member, show the applicant with such headgear: Provided that if the examiner for driving licences is of the opinion that the photographs showing the applicant with headgear are inadequate for identification purposes, he or she may refer the photographs to an official designated by the Director-General of the Provincial Administration concerned for his or her approval or disapproval;*
- (aA) *if the official referred to in paragraph (a)(vii) does not grant approval of the photographs, by two photographs taken in the manner agreed to in writing by such official;*
- (b) *acceptable identification of the applicant;*
- (c) *in the case of an applicant who is 65 years of age or older, by the medical certificate on form MC as shown in Schedule 2, signed by a medical practitioner or occupational health practitioner, certifying that the applicant is not disqualified in terms of section 15(1)(f) or (g) of the Act from obtaining a learner's or driving licence; and*
- (d) *by the appropriate fee as determined by the MEC of the province concerned.*
- (2) *If the applicant—*
- (a) *is on the day determined in terms of section 17(2) of the Act, for any reason whatsoever, not examined and tested; and*
  - (b) *is unable to satisfy the driving licence testing centre concerned that the reason for his or her not having been examined and tested is due to circumstances beyond his or her control, the applicant shall again pay the fee referred to in subregulation (1)(d) if the driving licence testing centre determines another day and time on which the applicant shall present himself or herself to be examined and tested.*
- Provided that unless the applicant furnishes the driving licence testing centre with a declaration on form ATD, containing the reason or reasons for the applicant not being examined and tested on the day determined in terms of section 17(2) of the Act, the centre concerned shall not consider such reason or reasons for the purpose of this subregulation.*
- (3) *An application for a learner's licence in terms of section 24(1) of the Act shall be made to the department of State where the applicant is employed.*

***Manner in and contents on which applicant for learner's licence to be tested and examined***

**Reg 104.** (1) *An applicant for a learner's licence shall be examined and tested by an examiner*

*for driving licences.*

- (2) *The examiner for driving licences shall satisfy himself or herself that the applicant—*
  - (a) *knows and understands—*
    - (i) *the rules of the road;*
    - (ii) *the road traffic signs; and*
    - (iii) *the controls of a motor vehicle of the class to which the application relates; and*
  - (b) *is not disqualified in terms of section 15 of the Act read with regulation 102, before issuing a learner's licence.*
- (3) *the procedure to be followed by the examiner for driving licences in complying with subregulation (2) shall include the completion by the applicant of the approved "Theory Test for Learner's Licence" on form TLL as shown in Schedule 2 or the successful completion of an approved Learner's Licence Electronic Test.*
- (4) *A person may only do an oral test to obtain a learner's licence if he or she is illiterate and after such a person has obtained the permission of the MEC.*

#### ***Issue of learner's licence***

- Reg 105.** (1) *A learner's licence shall be issued on form LL2 as shown in Schedule 2 within 2 working days after the examiner for driving licences notified the applicant that he or she shall be issued with a learner's licence, and the examiner for driving licences or a person authorised to do so shall, upon payment of the applicable fee as determined by the MEC of the province concerned—*
- (a) *complete the learner's licence, on which the date of birth of the holder shall be reflected;*
  - (b) *endorse the learner's licence accordingly in the case where—*
    - (i) *the applicant is found to be competent to drive with the aid of glasses or contact lenses, an artificial limb or other physical aid;*
    - (ii) *the applicant is a physically disabled person who has to drive a vehicle adapted for physically disabled persons, or a vehicle adapted specifically for that physically disabled applicant;*
  - (c) *ensure that the applicant signs the learner's licence;*
  - (d) *affix one photograph to the learner's licence and one photograph to the carbon copy, or to the application form if the learner's licence was printed by the computerised register;*
  - (e) *affix one lamination strip to the learner's licence and another to the carbon copy, or to the application form, if applicable, to cover the photograph, personal particulars and the code of the learner's licence of the holder;*
  - (f) *issue the learner's licence; and*
  - (g) *retain the application form and, if not printed by the computerised register, the carbon copy of the learner's licence for record purposes.*
- (2) *In the case of an application for a learner's licence in terms of section 24(1) of the*

*Act, the provisions of subsections (2) and (3) of section 17 of the Act shall apply with the necessary changes, but no fee for the issue of a learner's licence shall be paid.*

**Sec 18. Application for and issue of driving licence**

- (1) Subject to section 24, the holder of a learner's licence who desires to obtain a driving licence shall apply in the prescribed manner to an appropriately graded driving licence testing centre for a licence to drive a motor vehicle of a class the driving of which is authorised by his or her learner's licence.
- (2) Upon receipt of an application in terms of subsection (1), the driving licence testing centre concerned shall, if it is satisfied from the information furnished in the application or from such further information as such centre may reasonably request, that the applicant is not disqualified from obtaining a driving licence, determine a day on and time at which the applicant shall present himself or herself to be examined by an examiner for driving licences in the manner and in respect of the matters as prescribed, and for such purpose the applicant shall supply a motor vehicle of the class to which his or her application relates.
- (3) An examiner for driving licences shall test an applicant for a driving licence in the manner and in respect of the matters as prescribed.
- (4) If an examiner for driving licences has satisfied himself or herself in terms of subsection (3) that an applicant for a driving licence is competent, to drive a motor vehicle of the class to which such applicant's application relates, the examiner shall issue, or authorise a person employed by the driving licence testing centre concerned to issue, a driving licence in the prescribed manner to such applicant in respect of that class of motor vehicle, and the examiner or the said authorised person shall—
  - (a) in the case where the applicant has in terms of subsection (2) provided a motor vehicle equipped with an automatic transmission or the motor vehicle is electrically powered, endorse the driving licence to the effect that authorisation is granted only for the driving of a motor vehicle equipped with an automatic transmission or which is electrically powered, as the case may be;
  - (b) in the case where the applicant is found to be competent to drive with the aid of spectacles or contact lenses, an artificial limb or other physical aid, endorse the licence accordingly; and
  - (c) in the case where the applicant is a physically disabled person who has to drive a vehicle adapted for physically disabled persons, or a vehicle adapted specifically for that physically disabled applicant, endorse the licence accordingly.
- (5) No person shall wilfully or negligently—
  - (a) issue a driving licence;
  - (b) authorise the issue of a driving licence; or
  - (c) endorse or fail to endorse a driving licence, contrary to this section.
- (5A) Any applicant for a driving licence who makes use of any unauthorised aid during a test for a driving licence shall be guilty of an offence and upon conviction shall be liable, in addition to any other sentence which the court may impose, to be disqualified from re-applying for a driving licence for a period not exceeding 12 months from the date of conviction.
- (5B) If the court makes an order disqualifying the applicant from reapplying for a driving licence, and the State leads evidence to the effect that the applicant has obtained a driving

licence in the meanwhile, the court shall require the accused to produce any such licence and shall deal with it in the manner contemplated by section 34 (1) (b); and

- (6) (a) A driving licence which has officially been included in an identity document shall be deemed to be a driving licence issued under this Act, until a date fixed by the Minister by notice in the *Gazette*.
- (b) In respect of any notice issued in terms of paragraph (a), in the case of any person who was unable to apply for such a driving licence due to him or her having been—
- (i) admitted to any medical facility or detained in any state institution in terms of an order issued or sentence imposed by a court of law;
  - (ii) posted by the Government on a foreign mission or assignment;
  - (iii) on contract of employment outside the borders of the Republic;
  - (iv) a full-time student at a foreign academic institution; or
  - (v) a spouse of a person referred to in subparagraphs (ii) and (iii),
- the date determined in that notice shall, upon proof submitted by any such person of the date of his or her discharge from such facility or, release from such institution or his or her return to the Republic, be deemed to be a date six months after the date of such discharge, release or return.
- (7) (a) A driving licence other than a licence contemplated in subsection (6) that was valid immediately before the commencement of this section remains valid until a date determined by the Minister by notice in the *Gazette*.
- (b) The Minister may—
- (i) determine different dates for the expiry of the validity of driving licences contemplated in paragraph (a) in respect of different categories of persons; and
  - (ii) extend any date determined in terms of subparagraph (i).

### ***Manner of application for driving licence***

**Reg 106.** (1) *An application for a driving licence in terms of section 18 (1) of the Act, shall be made by the applicant at a driving licence testing centre on form DL1 as shown in Schedule 2, and shall be accompanied by—*

- (a) *acceptable identification of the applicant;*
- (b) *every licence which authorises the applicant to drive a motor vehicle;*
- (c) *four photographs of the applicant, that comply with regulation 103 (1); and*
- (d) *the appropriate fee as determined by the MEC of the province concerned.*

(1A) *Upon receipt of an application contemplated in subregulation (1), the driving licence testing centre concerned shall affix one photograph of the applicant and one lamination strip to form DL1, to cover the photograph and personal particulars of the applicant;*

(2) *If the applicant, on the day determined in terms of section 18 (2) of the Act, is not examined and tested for any reason whatsoever, and is unable to satisfy the driving licence testing centre concerned that the reason for his or her not having been examined and tested was due to circumstances beyond his or her control, he or she shall again pay the fee contemplated in subregulation (1) (d), if the driving licence testing centre determines another day and time on which he or she shall present himself or herself to be examined and tested.*

*Provided that unless the applicant furnishes the driving licence testing centre with a*

*sworn statement on form ATD, containing the reason or reasons for the applicant not being examined and tested on the day determined in terms of section 18(2) of the Act, the centre concerned shall not consider such reasons for the purpose of this subregulation.*

- (3) (a) *The holder of a driving licence issued by a department of State prior to 1 January 1993 in terms of section 24 (3) of the Act, may apply for a driving licence in the manner referred to in subregulation (1), and the application shall further be accompanied by—*
  - (i) *the licence held by the applicant; and*
  - (ii) *an official letter from the department of State concerned—*
    - (aa) *certifying that the licence held by the applicant is valid;*
    - (bb) *indicating the equivalent category of the licence as referred to in regulation 99 (4); and*
    - (cc) *indicating any conditions and limitations applicable to the licence.*
- (b) *Upon receipt of an application contemplated in paragraph (a), the driving licence testing centre concerned shall affix one photograph of the applicant and one lamination strip to form DL1, to cover the photograph and personal particulars of the applicant.*
- (c) *An examiner for driving licences shall, if he or she is satisfied that the documents referred to in paragraph (a)(i) and (ii) are valid and relate to the category of driving licence for which the applicant applied, issue; or authorise the issue of; a driving licence in terms of regulation 108, but the licence which was issued by the department of State shall not be cancelled and shall be handed back to the applicant.*
- (4) *An application for a driving licence in terms of section 24 (1) of the Act shall be made to the department of State where the applicant is employed.*

#### ***Manner and contents on which applicant for driving licence to be examined***

- Reg 107.** (1) *An applicant for a driving licence shall be examined and tested by an examiner for driving licences.*
- (2) *The examiner for driving licences shall by observation, inquiry and practical test, satisfy himself or herself that the applicant—*
- (a) *holds a learner's licence which authorises him or her to drive the class of motor vehicle to which his or her application relates;*
  - (b) *knows and understands the road traffic signs;*
  - (c) *has a sound knowledge of the rules of the road and the different signals which a driver of a motor vehicle is required to give when driving on a public road;*
  - (d) *is not subject to any disqualification referred to in section 15 of the Act read with regulation 102; and*
  - (e) *is generally capable of driving a motor vehicle of the class to which the application relates.*
- (3) *In the case where a person applies for a driving licence which authorises him or her to drive an articulated motor vehicle, or a combination of a motor vehicle and*

*trailer, the practical test shall be conducted while the semi-trailer is attached to the truck-tractor, or the trailer is attached to the drawing vehicle, whichever the case may be.*

- (4) For the purposes of subregulation (2) an applicant shall not be required to undergo a written test.*
- (5) An examiner for driving licences shall in compliance with the provisions of paragraph (e) of subregulation (2)-*
  - (a) in the case of a code B driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 1 - Light Motor Vehicles" published by the Minister by notice in the Gazette;*
  - (b) in the case of a code C1, C, EC1 or EC driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 2 - Heavy Motor Vehicles", published by the Minister by notice in the Gazette;*
  - (c) in the case of a code A1 or A driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 3 - Motor Cycles" published by the Minister by notice in the Gazette; and*
  - (d) in the case of a code EB driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle driver, Volume 4 – Light Motor Vehicles Combination" published by the Minister by notice in the Gazette.*

*Provided that the examiner for driving licences shall use the electronic score sheet to test an applicant, if the driving licence testing centre is equipped with a motor vehicle with an electronic driving licence test surveillance system.*

### ***Manner of issue of driving licence***

**Reg 108.** *(1) An examiner for driving licences shall forthwith, after the examiner for driving licences notified the applicant that he or she shall be issued with a driving licence after an examination and test in terms of regulation 107 or in the case of an application in terms of subregulation (5) (b) or regulation 109, and if he or she is satisfied that the applicant must be issued with a driving licence and that the applicant is not disqualified from holding a driving licence as contemplated in section 15 (1) (f) (vi) of the Act read with regulation 102—*

- (a) complete the authorisation to issue the driving licence on form DL1, as shown in Schedule 2 and record the authorisation on the register of driving licences;*
- (b) indicate in the authorisation referred to in paragraph (a) whether the driving licence card should reflect an endorsement in terms of section 18 (4) of the Act;*
- (c) except for in the circumstances mentioned in paragraph (d), the examiner for driving licences shall—*
  - (i) take an imprint of the left thumb and right thumb of the applicant, and should the applicant not have a left or right thumb, an imprint of*

- such fingers as specified by the image capturing system, the identification of which shall be noted on the image capturing system;*
- (ii) capture the photographic image of the applicant on the image capturing system depicting only the head and shoulders of the applicant and showing the applicant's full face and subject to regulation 103(1)(a)(vii), showing the applicant without headgear;*
  - (iii) capture the signature image of the applicant on the image capturing system;*
  - (iv) ensure that the applicant's vision complies with the requirements referred to in regulation 102 by using the image capturing system. Provided that should the applicant fail the automated vision test, the verbal vision test shall be used;*
  - (v) print the image capture sheet on form ICS as shown in Schedule 2 from the image capturing system;*
  - (vi) record the barcode number on the image capture sheet on the application form submitted in terms of regulation 106 (1);*
  - (vii) in the case of an application referred to in section 18(1) of the Act, record the test results of the driving licence test onto the register of driving licences;*
  - (viii) in the case of an application referred to in section 18(1) of the Act, record the code of the driving licence to be issued and the barcode number on the image capture sheet onto the register of driving licences;*
  - (ix) retain the image capture sheet for record purposes; and*
  - (x) send the disk containing the finger print images, signature and photograph to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as {p15}determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.*

*Provided that the tasks mentioned in items (viii) to (x) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned. Provided further that if the register of driving licences is not available, the tasks referred to in items (vii) and (viii) shall be performed as soon as the register of driving licences becomes available;*

- (d) only in the case where the driving licence testing centre concerned has not been equipped with an image capturing system or in the case where the driving licence testing centre concerned has been equipped with one or more image capturing systems and all or at least two such image capturing systems are not available due to a failure and such failure has been reported according to the call logging procedures or in the case where the MEC has specifically given authority to the driving licence testing centre to use this procedure, the examiner for driving licences shall—*



- (i) *ensure that the applicant's vision complies with the requirements referred to in regulation 102;*
- (ii) *take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;*
- (iii) *affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;*
- (iv) *ensure that the same barcode number appears on form ISS and the duplicate of it;*
- (v) *ensure that the applicant signs form ISS and the duplicate of it;*
- (vi) *retain the duplicate of form ISS for record purposes;*
- (vii) *record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106 (1);*
- (viii) *in the case of an application referred to in section 18(1) of the Act, record the test results of the driving licence test onto the register of driving licences*
- (ix) *in the case of an application referred to in section 18(1) of the Act, record the code of the driving licence to be issued and the barcode number on the image scanning sheet onto the register of driving licences*
- (x) *retain the image scanning sheet for record purposes; and*
- (xi) *send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.*

*Provided that the tasks mentioned in items (ix) to (xi) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned. Provided further that if the register of driving licences is not available, the tasks referred to in items (viii) and (ix) shall be performed as soon as the register of driving licences becomes available.*

(1A) *The driving licence testing centre shall pay over to the Card Production Facility such part of the fee, referred to in subregulation (1), payable in accordance with the agreement between that Facility and the Corporation, the amount of which shall be—*

- (a) (i) *R50 for every issuance of a driving licence card or professional driving permit in Gauteng for all applications received until 30 April 2003; and*

- (ii) *R46.50 for every issuance of a driving licence card or professional driving permit in any other province and as from 1 May 2003, also in Gauteng; and*
  - (b) *R5 for every month an application is made after the period determined for it in Government Notice No. 343 of 3 March 1998: Provided that this paragraph does not apply to applications made before 1 October 1998, or to applications made in Gauteng. Provided further than the maximum amount in terms of this paragraph in the Western Cape as from 1 June 2002, is R60.*
- (2) (a) *On receipt of the disk referred to in subregulation (1)(c)(viii) or form ISS referred to in subregulation (1)(d)(vii) and the order for the driving licence card, the Card Production Facility shall, if the images recorded onto the disk or image scanning sheet concerned are accepted—; and*
- (b) *If the images recorded onto the disk or image scanning sheet concerned are not accepted by the Card Production Facility, the applicant shall again report to the driving licence testing centre for the repeat of subregulation (1)(c) or, if approved by the driving licence testing centre, submit a further two photographs of himself or herself that comply with regulation 103(1) upon receipt of which the examiner for driving licences shall repeat subregulation (1)(d).*
- (3) *On receipt of the driving licence card referred to in subregulation (2), the driving licence testing centre shall—*
- (a) *record the receipt of the driving licence card on which the driving licence appears in the register of driving licences;*
  - (b) *notify the applicant on form NCD as shown in Schedule 2, to collect the driving licence card at the centre;*
  - (c) *after presentation of the applicant's acceptable identification and the submission of every licence and professional driving permit held by the applicant, issue such driving licence card to the applicant;*
  - (d) *if the applicant so requires, stamp and sign a copy of the previous licence, which is submitted with form NCD as shown in Schedule 2, so that it may be retained by the applicant as proof of the previous licence and the date of issue of it;*
  - (e) *ensure that the applicant acknowledges receipt of the driving licence card on form DL1 or form NCD, as shown in Schedule 2;*
  - (f) *update the register of driving licences accordingly to reflect the issue of the driving licence card.*
- (4) *An examiner for driving licences shall, except where previously otherwise agreed with the applicant, deface an unclaimed driving licence card 120 days after the notice referred to in subregulation (3) (b) was posted, and record the fact that it has been defaced on the register of driving licences.*
- (5) (a) *Subject to regulation 101 (2) (a), a driving licence card shall expire five years from the date on which it has been ordered from the Card Production Facility. Provided that where a person has applied for a new driving licence card in the manner contemplated in paragraph (b) on or before the expiry date of the driving licence card held by such person, the new driving licence card shall expire five years from the date after the expiry date of the driving licence card held by such person.*

- (b) *The holder of a driving licence card may apply for a new card in the manner contemplated in regulation 109 and the new card shall be authorised and issued in the manner contemplated in regulation 109 (3).*
- (6) (a) *Notwithstanding the provisions of subregulation (5) (a), where a person has applied for a new driving licence card in the manner contemplated in subregulation (5) (b) on or before the expiry date of the driving licence card held by such person and a driving licence of the person concerned has not been suspended or cancelled, that card shall remain valid until the new driving licence card has been issued in terms of subregulation (3) but not for more than three months after the expiry date of such driving licence card.*
- (b) *The provisions of paragraph (a) shall only apply if the holder of the driving licence card is in possession of the driving licence card previously issued to him or her and proof of the fees paid in terms of Regulation 109 (2) (c) for a new driving licence card as contemplated in Regulation 108 (1).*

### ***Application for and issue of duplicate of licence***

- Reg 109.** (1) *Subject to subregulation (2), an application for a duplicate of a learner's licence shall be made in person by the applicant on form LL1 as shown in Schedule 2 and an application for a duplicate driving licence card shall be made in person by the applicant on form DL1 as shown in Schedule 2 at any driving licence testing centre.*
- (2) *An application for a duplicate driving licence card by an applicant, who permanently or ordinarily resides in another country, shall be made on form DL1 as shown in Schedule 2 within seven years after the applicant has left the Republic and may be submitted by another person on behalf of the applicant to any driving licence testing centre.*
- (3) *An application referred to in subregulation (1) shall be accompanied by—*
- (a) *the original licence or, where the original licence is lost or destroyed, a declaration to that effect on form DCT as shown in Schedule 2;*
  - (b) *two photographs of the applicant, that comply with regulation 103 (1), unless the applicant wishes to obtain a duplicate driving licence card which expires when the original driving licence card would have expired in terms of regulation 108 (5);*
  - (c) *in the case of an application for a duplicate of a learner's licence, the fee as determined by the MEC of the province concerned for the issue of a duplicate learner's licence, and in the case of an application for a duplicate driving licence card, the fee for the issue of a driving licence card contemplated in regulation 108 (1); and*
  - (d) *acceptable identification of the applicant.*
- (4) *An application referred to in subregulation (2) shall be accompanied by—*
- (a) *an affidavit made by the applicant stating the country, city or town and residential address where he or she resides, the period of stay, that he or she will be unable to receive the card in person, and the name and identification number of the person who will submit the application and receive the card on his or her behalf;*

- (b) *two photographs of the applicant, that comply with regulation 103 (1);*
  - (c) *the fee for the issue of a driving licence card contemplated in regulation 108 (1);*
  - (d) *a certified copy of the acceptable identification of the applicant and a certified copy of the identity document of the person who is submitting the application on behalf of the applicant;*
  - (e) *a certified copy of the identification page of the passport of the applicant and the page stamped by the Department of Home Affairs when he or she left the Republic and the page stamped by the country in which he or she resides when he or she entered the country concerned; and*
  - (f) *a report issued less than six months before the date of application by an optometrist or ophthalmologist relating to the testing of the applicant's eyes in terms of the standards referred to in regulation 102 (1).*
- (5) *Upon receipt of an application referred to in subregulation (1) or (2), the driving licence testing centre shall —*
- (a) *ensure that the application is complete and in order;*
  - (b) *ensure that the licence concerned is not subject to a suspension or cancellation; and*
  - (c) *issue the duplicate of the learner's licence or driving licence card, in accordance with regulation 105 or 108, respectively. Provided that in the case of an application referred to in subregulation (2), the examiner for driving licences shall follow the procedure in regulation 108(1)(d) and shall not be required to perform the tasks mentioned in items (ii) and (v) and the driving licence card shall be issued as referred to in regulation 112A(1).*

## **Sec 19. Substitution of driving licence issued before certain date**

- (1) The holder of a driving licence contemplated in section 18 (6) or (7) shall apply to a driving licence testing centre for the issue of a driving licence in substitution of his or her existing licence.
- (2) An application under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed documents.
- (3) Upon receipt of an application under subsection (1), the examiner for driving licences, if he or she is satisfied that the existing licence is a valid licence and that the applicant is the holder thereof, shall, subject to section 25, issue or authorise the issue of a driving licence on the prescribed form and in the prescribed manner in respect of the class of motor vehicle to which the existing licence relates.
- (4) Any person whose licence has become invalid in terms of subsection (3) and who requires a driving licence must apply anew for the issue of a licence in terms of section 18.

## ***Application for driving licence in terms of section 19 of Act and regulation 110(6)(a)***

**Reg 111.** (1) *Subject to subregulation (2), an application for a driving licence contemplated in section 19 of the Act and regulation 110(6)(a) shall be made by the applicant at a driving licence testing centre on form DL1 as shown in Schedule 2 and shall be accompanied by—*

- (a) *acceptable identification of the applicant;*

- (b) *the existing driving licence or its duplicate;*
  - (bA) *in the case of an application referred to in regulation 110 (6) (a), a certified copy of the permanent residency permit of the applicant or a certified copy of the applicant's diplomatic permit or treaty permit; and;*
  - (c) *two photographs of the applicant, and in the case of an application referred to in regulation 110(6)(a), four photographs of the applicant, that comply with regulation 103(1); and*
  - (d) *the fee contemplated in regulation 108(1).*
- (1A) *In the case where the driving licence of the applicant is contained in an identity document and the particulars of that driving licence is recorded in the register of driving licences, but the applicant is no longer in possession of the driving licence, the applicant shall make a declaration on form DCT, which shall be sufficient for the purposes of subregulation (1)(b).*
- (2) *In the case of a licence issued in a prescribed territory, where the existing driving licence is not contained in an identity document and the applicant is no longer in possession of that driving licence, the application for a driving licence contemplated in regulation 110(6)(a), shall be made in the manner contemplated in regulation 112(2) and the examiner for driving licences shall act as contemplated in regulation 112(3).*
- (3) *Upon receipt of an application referred to in subregulation (1), the examiner for driving licences shall, if he or she is satisfied that—*
- (a) *the applicant is not disqualified from holding a driving licence as contemplated in section 15(1)(f)(vi) of the Act read with regulation 102;*
  - (b) *if the driving licence is contained in an identity document, the particulars of the driving licence are recorded in the register of driving licences;*
  - (c) *if the driving licence is not contained in an identity document—*
    - (i) *in the case where that driving licence testing centre issued the licence, the particulars of the driving licence is recorded on the driving licence records of the centre; or*
    - (ii) *in the case where another authority keeps the record of the driving licence concerned, the authority concerned confirms in writing that the licence was issued and that the particulars of the driving licence are correct,*
- authorise the issue and issue a new driving licence in the manner referred to in regulation 108.*
- (4) *In the case where the particulars of the existing driving licence, which is contained in an identity document, is not recorded in the register of driving licences, the examiner for driving licences or the person authorised thereto shall obtain from the driving licence testing centre which issued the driving licence or the provincial administration concerned written confirmation that the driving licence was issued and that the particulars of the driving licence is correct as provided for in regulation 112(2).*

**Sec 20. Special provisions in relation to driving licences which ceased to be valid in terms of road traffic ordinance**

- (1) The holder of a licence issued in terms of section 57 of the road traffic ordinance, which licence ceased to be a valid driving licence in terms of—
  - (a) section 59 (1) of the said Ordinance (Transvaal);
  - (b) section 59 (1) of the said Ordinance (Natal);
  - (c) section 59 (2) of the said Ordinance (the Orange Free State); and
  - (d) section 59A (1) of the said Ordinance (the Cape of Good Hope),may, subject to section 15 of this Act, apply to a prescribed authority that a driving licence be issued to him or her, to drive a motor vehicle of a class corresponding to the class mentioned in the licence issued to him or her, in terms of section 57 of the Ordinance concerned, subject to such conditions as may apply to the latter licence.
- (2) An application for a driving licence under subsection (1) shall be accompanied by—
  - (a) the licence issued in terms of section 57 of the road traffic ordinance or a duplicate thereof; or
  - (b) the prescribed form.
- (3) Upon receipt of an application under subsection (1), the prescribed authority shall satisfy itself in the prescribed manner as to the authenticity of the document referred to in subsection (2) (a) and, if satisfied that—
  - (a) the existing licence is a valid licence;
  - (b) the applicant is the holder thereof; and
  - (c) the holder is not disqualified as contemplated in section 15 (1) (f), authorise and issue a driving licence in the manner prescribed in section 18 (4) to the applicant and, if applicable, endorse such driving licence in accordance with section 18 (4).

***Application for driving licence in terms of section 20 of Act and regulation 110(6)(b)***

- Reg 112.** (1) (a) *An application referred to in section 20(1) of the Act shall, if the applicant is still in possession of the driving licence issued in terms of section 57 of the road traffic ordinance or its duplicate, be made at a driving licence testing centre by the holder on form DL1 and shall be accompanied by—*
- (i) *the fee as contemplated in regulation 108(1);*
  - (ii) *the existing licence or its duplicate;*
  - (iii) *two photographs of the applicant that comply with regulation 103(1); and*
  - (iv) *acceptable identification of the applicant.*
- (b) *Upon receipt of the application the driving licence testing centre shall—*
- (i) *in the case where that driving licence testing centre issued the licence, determine from the driving licence records of the centre whether the licence concerned was issued and whether the licence particulars are correct; and*
  - (ii) *in the case where another authority keeps the record of the driving*

*licence concerned, obtain written confirmation from that authority that the licence concerned was issued and that the licence particulars are correct.*

- (2) (a) *In the case of an application referred to in section 20(1) of the Act where the applicant is no longer in possession of the driving licence issued in terms of section 57 of the road traffic ordinance or a duplicate of it, and in the case of an application referred to in regulation 110(6)(b), the applicant shall apply to the authority that issued the licence or the provincial administration concerned for form POD on form APD as shown in Schedule 2, and such application shall be accompanied by—*
- (i) the fee as determined by the MEC of the province concerned;*
  - (ii) two photographs of the applicant that comply with regulation 103(1); and*
  - (iii) acceptable identification of the applicant.*
- (b) *Upon receipt of the application the authority concerned shall, if it is satisfied that the licence concerned was issued by that authority, complete form POD as shown in Schedule 2, issue that form to the applicant and retain a copy of it for record purposes.*
- (c) *The said applicant shall upon being issued with form POD make an application on form DL1 to a driving licence testing centre, which shall be accompanied by—*
- (i) the fee as contemplated in regulation 108(1);*
  - (ii) two photographs of the applicant that comply with regulation 103(1);*
  - (iii) form POD; and*
  - (iv) acceptable identification of the applicant.*
- (3) *Upon receipt of an application referred to in subregulation (1) or (2), the examiner for driving licences shall, if he or she is satisfied that the applicant is not disqualified from holding a driving licence as contemplated in section 15(1)(f)(vi) of the Act read with regulation 102, authorise the issue and issue the driving licence in the manner referred to in regulation 108.*

***Authorisation to allow person to receive driving licence card on behalf of another person***

***Reg 112A.(1)*** *Notwithstanding regulation 108—*

- (a) *if an applicant knows that he or she will be unable to receive the driving licence card in person at the driving licence testing centre—*
- (i) the application shall be accompanied by—*
    - (aa) a certified copy of the identity document of the person who will receive the card on the applicant's behalf; and*
    - (bb) an affidavit made by the applicant stating the reason why he or she will be unable to receive the card in person, and the name and identification number of the person who will receive the card on his or her behalf; and*

- (ii) *the person whose name and identification number appears on the affidavit shall receive the card on behalf of the applicant and shall present his or her identity document upon such receipt; or*
- (b) *if an applicant is unable to receive the card in person due to unforeseen circumstances, the person who receives the card on behalf of the applicant shall submit—*
  - (i) *his or her identity document and a certified copy thereof;*
  - (ii) *a certified copy of the identity document of the applicant; and*
  - (iii) *an affidavit made by the applicant which contains an explanation of the unforeseen circumstances preventing him or her from receiving the card in person and the name and identification number of the person who will receive the card on his or her behalf.*
- (2) *The driving licence testing centre shall upon submission of the said documents issue the card to the said person.*

***Manner of notification of new residential and postal address***

**Reg 113.** *Notice of a licence holder's new residential and postal address in terms of section 22 of the Act shall be given on form NCP as shown in Schedule 2, to the appropriate registering authority of the licence holder.*

***Procedure after suspension or cancellation of licence in terms of section 34 of the Act***

**Reg 113A.** *If a court has suspended or cancelled a licence in terms of section 34 of the Act, the registrar or clerk of the court shall send such licence to the Provincial Administration concerned for safekeeping until the suspension period has expired or for the destruction of such licence if such licence has been cancelled.*

**Sec 21.     **Directions to applicant for learner's or driving licence****

Notwithstanding anything to the contrary contained in this Act an applicant for a learner's or driving licence shall apply to be evaluated at any driving licence testing centre.

**Sec 22.     **Holder of licence to drive motor vehicle shall give notice of change of place of residence****

When the holder of a licence to drive a motor vehicle which was issued in terms of this Chapter, has changed his or her place of residence permanently, he or she shall, within 14 days after such change, notify in the prescribed manner the registering authority in whose area he or she is ordinarily resident of his or her new residential and postal address.

**Sec 23.     **When licence not issued in terms of this Act deemed to be driving licence****

- (1) Subject to subsection (2) and the prescribed conditions—
  - (a) a licence authorising the driving of a motor vehicle and which was issued in any other country; and



- (b) an international driving permit which was issued while the holder thereof was not permanently or ordinarily resident in the Republic,  
shall, in respect of the class of motor vehicle to which that licence or permit relates and subject to the conditions thereof, be deemed to be a licence for the purposes of this Chapter: Provided that if that licence is a provisional licence or an international driving permit, it shall not authorise the driving of a motor vehicle carrying passengers and in respect of which a professional driving permit is required.
- (2) (a) The period in respect of which a licence or an international driving permit referred to in subsection (1) shall be deemed to be a licence for the purposes of this Chapter, shall be as prescribed.
- (b) The holder of a licence or an international driving permit referred to in subsection (1) may, subject to the prescribed conditions, apply for a driving licence to take the place of such licence or permit.
- (3) An application under subsection (2) (b) shall be made in the prescribed manner to an appropriately graded driving licence testing centre.
- (4) On receipt of an application under subsection (2) (b), the driving licence testing centre concerned shall, subject to the prescribed conditions, issue to the applicant a driving licence in the prescribed manner.

***Conditions for acknowledgement and exchange of driving licence not issued in terms of Act, and international driving permit***

- Reg 110.** (1) *Subject to subregulation (1A) and (3), a driving licence referred to in section 23 (1) (a) of the Act, issued while the holder of it was not permanently or ordinarily resident in the Republic, shall, for the period for, and subject to the conditions under which it was issued, be deemed to be a valid licence for the purposes of Chapter IV of the Act, if—*
- (a) (i) *the licence has been issued in an official language of the Republic; or*
  - (ii) *a certificate of authenticity or validity relating to the licence issued in an official language of the Republic by a competent authority, or a translation of that licence in such official language, is attached to it; and*
  - (b) *such licence contains or has attached to it, a photograph and the signature of the licence holder.*
- (1A) *For the purpose of subregulation (1) the phrase “**not permanently or ordinarily resident in the Republic**” means being outside the borders of South Africa for an uninterrupted period of more than three months.*
- (2) *Subject to subregulation (3), an international driving permit referred to in section 23 (1) (b) of the Act shall be deemed to be a valid licence for the purposes of Chapter IV of the Act for the period for, and, subject to the conditions under which it was issued.*
- (3) *When the holder of a licence referred to in section 23 (1) (a) of the Act or the holder of an international driving permit referred to in section 23 (1) (b) of the Act—*
- (a) *returns to the Republic to resume permanent residence, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, if it becomes invalid in the country or territory of issue; or*
  - (b) *obtains permission in terms of any law for permanent residence in the*

*Republic, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, if it becomes invalid in the country or territory of issue.*

*Provided that the period of validity of such driving licence shall not exceed a period of five years from the date when such person is granted permanent residence status in the Republic.*

- (4) *Notwithstanding this regulation, a driving licence shall be deemed to be a valid licence for the purposes of Chapter IV of the Act, if such licence was issued in a territory previously known as—*
- (a) *The Republic of Bophuthatswana;*
  - (b) *The Republic of Ciskei;*
  - (c) *Gazankulu;*
  - (d) *KaNgwane;*
  - (e) *KwaNdebele;*
  - (f) *KwaZulu;*
  - (g) *Lebowa;*
  - (h) *QwaQwa;*
  - (i) *The Republic of Transkei; or*
  - (j) *The Republic of Venda.*
- (5) *A licence referred to in section 23(1)(a) or an international driving permit referred to in section 23(1)(b) of the Act may, at any time during the validity thereof, and after the holder thereof has obtained permanent residency in the Republic, be exchanged for a driving licence in terms of subregulations (6) and (7): Provided that the requirement for permanent residency shall not apply to holders of diplomatic permits and treaty permits,*
- (6) (a) *An application referred to in section 23 (3) of the Act shall, subject to subregulations (7) and (8), be made in the manner contemplated in regulation 111, and an application for the exchange of an international driving permit shall, in addition to the requirements of regulation 111 (1), be accompanied by the driving licence on the authority of which the permit was issued.*
- (b) *In the case of an application referred to in paragraph (a) for the exchange of a driving licence referred to in subregulation (4), which driving licence is no longer in the possession of the applicant, such application shall be made in the manner contemplated in regulation 112 (2) and the driving licence shall be authorised and issued in the manner contemplated in regulation 112 (3).*
- (7) (a) *Subject to paragraph (b), the driving licence testing centre concerned shall upon receipt of an application referred to in subregulation (6) (a), authorise the issue and issue a driving licence for the class or classes of motor vehicles to which the existing licence relates.*
- (b) *The driving licence testing centre concerned shall authorise the issue and issue the licence referred to in paragraph (a) in the manner referred to in regulation 108 if—*
- (i) *it is satisfied that the applicant is the holder of the licence or permit, as*

*the case may be, referred to in subregulation (1) and (2);*

*(ii) it is satisfied that the licence or permit is still valid in the country or territory of issue; and*

*(iii) in the case of an application for the exchange of a driving licence referred to in subregulation (4), if the MEC concerned confirms in writing that the applicant is the holder of a valid licence.*

*(8) If there is a dispute as to the class of motor vehicle in respect of which a driving licence has been issued in terms of subregulation (7) (a), the MEC concerned shall determine the class of the motor vehicle.*

**Sec 24. Department of State may issue learner's or driving licence to person in its employment only**

- (1) A department of State registered as a driving licence testing centre may issue a learner's or driving licence in the prescribed form to a person who is in the employment of such department of State only.
- (2) For the purposes of subsection (1), a person who renders service in the South African National Defence Force shall be deemed to be in the employment of the Department of Defence.
- (3) A licence authorising the driving of a motor vehicle and which was issued by a department of State prior to 1 January 1993, shall, subject to the prescribed conditions, grant the holder thereof the right to be issued with a driving licence of the appropriate class in accordance with this Chapter.

**Sec 25. Suspension or cancellation by chief executive officer of licence authorising driving of motor vehicle**

- (1) If the holder—
  - (a) of a learner's or driving licence issued in terms of this Chapter, a repealed ordinance or any prior law, is disqualified in terms of section 15 from holding it, the chief executive officer shall cancel such licence; or
  - (b) of a licence referred to in paragraph (a) would constitute a source of danger to the public by driving a motor vehicle on a public road, the chief executive officer may cancel or suspend such licence.
- (2) For the purposes of subsection (1) the chief executive officer may request the holder of the licence concerned to submit himself or herself within such period as the chief executive officer may determine—
  - (a) to an examination and a test by one or more examiners for driving licences nominated by the chief executive officer, to determine his or her competency to drive a motor vehicle of the class to which his or her licence relates, and for the purpose of such examination and test the holder of the licence concerned shall provide a motor vehicle of the class concerned: Provided that the holder of the licence concerned may request that he or she be submitted to an examination and a test to determine his or her competency to drive a motor vehicle—
    - (i) of any other class of which the driving is authorised by his or her licence; or
    - (ii) of a specific prescribed class,

and for the purpose of such examination and test he or she shall provide a motor vehicle of the class concerned;

- (b) to an examination, at the cost of the Administration of the province concerned, by a medical practitioner nominated by the chief executive officer, to determine his or her physical and mental fitness to drive a motor vehicle; or
  - (c) to an examination and a test contemplated in paragraph (a) and an examination contemplated in paragraph (b).
- (3) If the holder of the licence concerned is, after the examination and test in terms of subsection (2) (a), found to be competent to drive a motor vehicle of the class provided by him or her and is not disqualified in terms of section 15, the chief executive officer may direct—
  - (a) that every licence authorising the driving of a motor vehicle and of which he or she is the holder shall be cancelled; and
  - (b) that a driving licence in respect of a motor vehicle of the class provided by him or her shall be issued to him or her by an examiner for driving licences of the authority authorised thereto by the chief executive officer, and for that purpose the provisions of section 18 (4) shall apply with the necessary changes.
- (4) If any person, after having been examined and tested in terms of subsection (2) (a), is found not to be competent to drive a motor vehicle of the class provided by him or her, the chief executive officer shall forthwith cancel the licence concerned.
- (5) If any person fails to comply with a request in terms of subsection (2), the chief executive officer may forthwith suspend or cancel, as the case may be, the licence concerned unless such person is able to satisfy the chief executive officer within a period determined by the chief executive officer that such failure was due to a reason beyond his or her control and that such licence should not be so suspended or cancelled.
- (6) The suspension or cancellation of a licence in terms of this section shall apply to any other learner's or driving licence held by the holder of such suspended or cancelled licence and recognised in terms of this Chapter as a valid licence, as the chief executive officer may determine.
- (7)
  - (a) When a licence is cancelled or suspended in terms of subsection (1) or is cancelled in terms of subsection (3) (a) or (4), the holder thereof shall forthwith submit the licence or, in the case where it is contained in an identity document, that document to the chief executive officer or an inspector of licences authorised by him or her.
  - (b) If the licence is not contained in an identity document—
    - (i) but particulars thereof are contained in the register for driving licences, the chief executive officer or the inspector of licences, as the case may be, shall record particulars of the cancellation or suspension in that register;
    - (ii) and particulars thereof are not contained in the register for driving licences, the chief executive officer or the inspector of licences, as the case may be, shall notify the authority which issued the licence of the cancellation or suspension,

and where the licence has been suspended the chief executive officer or the inspector of licences, as the case may be, shall retain the licence until the period of suspension expires, whereafter it shall be returned to the holder thereof.

- (c) If the licence is contained in an identity document, the chief executive officer or inspector of licences, as the case may be, shall effect an appropriate endorsement on the licence, record the particulars of the cancellation or suspension in the register for driving licences and return the identity document to the holder thereof.
- (8) The chief executive officer may, where he or she deems it expedient and on such conditions as he or she may deem fit—
  - (a) in the prescribed manner reinstate a licence suspended in terms of this section;
  - (b) authorise a person whose licence has been cancelled in terms of this section to apply for a learner's and a driving licence.
- (9) A person whose learner's or driving licence has been cancelled in terms of this Act, a repealed ordinance or any prior law or by any competent court or authority, shall be deemed to be unlicensed, and any person whose learner's or driving licence has so been suspended shall, during the period of the suspension, be deemed to be unlicensed.
- (10) Where any circumstance arises in relation to the holder of a licence authorising the driving of a motor vehicle and which is issued in a prescribed territory or a foreign state, which would have disqualified such person as contemplated in section 15 from obtaining a driving licence, or if such holder would constitute a source of danger to the public by driving a motor vehicle on a public road, the chief executive officer may inform such person that such licence is of no force within the Republic, and as from the date on which such person is so informed the licence shall cease to be in force within the Republic.

## **Sec 26. Lapsing of endorsement on licence**

- (1) An endorsement in terms of any order of a court effected on any licence authorising the driving of a motor vehicle in terms of this Chapter, shall lapse after the expiry of a period of five years from the date upon which such endorsement was ordered, if during such period no further endorsement has been ordered on that licence: Provided that no other period of suspension of such licence shall be included in the calculation of the period of five years.
- (2) Where, in relation to a driving licence, all endorsements have lapsed in accordance with subsection (1), the authority which issued such licence may, upon application by the holder thereof in the prescribed manner, issue to such holder a driving licence free from any endorsements.

### ***Manner of application for and issue of driving licence free of endorsements***

**Reg 114.** *An application for and issue of a driving licence free of endorsements in terms of section 26(2) of the Act shall be made in the manner prescribed in regulation 109, in so far as it relates to the driving licence.*

## **Sec 27. Cancellation or amendment of endorsement on licence**

- (1) Where the holder of a licence—
  - (a) authorising the driving of a motor vehicle in the Republic; and

- (b) on which an endorsement in terms of section 18 (4) or a similar endorsement by a competent authority in a prescribed territory has been effected,

is of the opinion that there are circumstances justifying the cancellation or amendment of such endorsement, he or she may apply to the MEC of the province in which he or she is permanently or ordinarily resident for the cancellation or amendment of such endorsement.

- (2) (a) An application under subsection (1) shall be accompanied by—
  - (i) the licence concerned or, in the case where it is contained in an identity document, that document;
  - (ii) a statement by the applicant setting forth the reasons for the application.(b) The chief executive officer concerned shall issue the applicant with a receipt for such licence or document, which shall be deemed to be sufficient for the purposes of section 12 (b).
- (3) Upon receipt of an application under subsection (1) the chief executive officer may, for the purpose of the consideration thereof—
  - (a) require the applicant to submit such further statement or document; or
  - (b) take such other steps,as the chief executive officer may deem expedient.
- (4) If an application under subsection (1)—
  - (a) is refused by the chief executive officer, he or she shall notify the applicant accordingly and return the licence or identity document concerned to him or her; or
  - (b) is granted by the chief executive officer, he or she shall—
    - (i) cancel the licence and issue or authorise the issue of a new licence in the prescribed manner without endorsement or reflecting the amended endorsement, as the case may be; and
    - (ii) notify the authority which issued the licence accordingly.

## **Sec 28. Instructor to be registered**

- (1) No person shall act as instructor unless he or she is registered in terms of section 28B.
- (2) No person shall employ any other person as an instructor, or make use of any other person's services as instructor, unless that other person is registered as an instructor in terms of section 28B.

## **Sec 28A. Application for registration as instructor**

Any person desiring to be registered as an instructor shall in the prescribed manner apply to the chief executive officer.

## **Sec 28B. Registration and grading of instructors**

- (1) No person shall be registered to act as instructor unless he or she—
  - (a) has passed the prescribed examination;
  - (b) is of good character; and

- (c) is mentally and physically fit to act as instructor, and was medically examined to ascertain such fitness.
- (2) A person referred to in subsection (1) shall only be registered as instructor in respect of a class of motor vehicle which he or she is licensed to drive.
- (3) The chief executive officer shall, if satisfied that an applicant referred to in section 28A complies with subsections (1) and (2), register and grade such applicant in the prescribed manner.

#### **Sec 28C. Suspension and cancellation of registration of instructor**

The chief executive officer may, for the period he or she deems fit, in the prescribed manner, suspend or cancel the registration of an instructor if that instructor—

- (a) in the opinion of the chief executive officer, is guilty of misconduct in the exercise of his or her powers or the performance of his or her duties; or
- (b) failed within the prescribed period to attend an appropriate refresher course at a training centre approved by the Shareholders Committee.

#### ***Application for registration as instructor***

##### ***Reg 114A.***

- (1) *Any person desiring to be registered as an instructor shall apply at a driving licence testing centre to the chief executive officer on form RI as shown in Schedule 2, in respect of one or more of the classes of motor vehicles for which a learner's or driving licence can be obtained as contemplated in regulation 99 (1), and such application shall be accompanied by the appropriate fee as determined by the MEC of the province concerned.*
- (2) *Upon receipt of an application in terms of subregulation (1)—*
  - (a) *the driving licence testing centre shall submit such application to the officer in charge of the South African Police Service Station deemed by such centre to be the most convenient, for a report as to whether any conviction has been recorded against the applicant as well as in respect of any other matter which, in the opinion of such officer or centre, is relevant to the application, and that officer is authorised to report accordingly; and*
  - (b) *the driving licence testing centre shall require the applicant to be medically examined at the applicant's cost by a medical practitioner or occupational health practitioner in order to obtain a report on form MC as shown in Schedule 2 on the physical and mental fitness of such applicant to act as an instructor.*
- (3) *A member of the South African Police Service may take the finger and palm prints of the applicant to enable him or her to report in terms of subregulation (2).*
- (4) *Before an application in terms of subregulation (1) is forwarded to the chief executive officer, the driving licence testing centre concerned shall attach the reports referred to in subregulation (2) and shall at the same time draw the attention of the chief executive officer to any relevant information.*

#### ***Examination and test to determine competence to act as instructor***

##### ***Reg 114B***

- (1) *If the chief executive officer, having regard to the documents referred to in regulation 114A (4) and any relevant facts known to him or her or ascertained by him or her, is satisfied that the applicant cannot be considered fit to act as an instructor, he or she shall refuse the application.*

- (2) *Where the chief executive officer does not refuse the application, he or she shall require the applicant to be examined and tested at the driving licence testing centre concerned in order to obtain a report on the form determined by the chief executive officer, on the competence of the applicant to act as an instructor.*
- (3) *The examination and test mentioned in subregulation (2) shall be in accordance with the "Manual for driver trainer instructors" of the Corporation published by the chief executive officer in the Gazette.*
- (4) *The chief executive officer shall consider the application with due regard to the reports referred to in regulation 114A (2) and subregulation (2) and any relevant facts known to him or her or ascertained by him or her, and if he or she is satisfied that the applicant complies with all the requirements, he or she shall, subject to such conditions as he or she may determine, grant the application in respect of one or all of the classes of motor vehicles to which the application relates.*

### **Registration of instructor**

- Reg 114C.** (1) *If the chief executive officer is satisfied as contemplated in section 28B of the Act, he or she shall—*
- (a) *in the case of an instructor, grade the applicant in terms of regulation 114F;*
  - (b) *record the particulars of the applicant on the register of instructors referred to in regulation 331 (4) (a); and*
  - (c) *issue to the applicant a certificate of registration on form CRI as shown in Schedule 2.*
- (2) *If the chief executive officer is not satisfied as contemplated in section 28B of the Act, he or she shall refuse to register the applicant and notify such applicant accordingly.*
- (3) *Any person whose registration has been cancelled in terms of section 28C of the Act and who applies to be registered, may in addition to the requirements referred to in subregulation (1) and after the period and the conditions referred to in subregulation 2A (5), be required to have successfully completed a refresher course, at a training centre contemplated in section 28C, within a period of three months prior to such application.*

### **Cancellation or suspension of registration of instructors**

- Reg 114D.** (1) *If the chief executive officer intends to suspend or cancel the registration of an instructor in terms of section 28C of the Act he or she shall notify the instructor, and the driving licence testing centre that issued such instructor with his or her registration certificate, accordingly.*
- (2) *The instructor may within 21 days of receipt of the said notification give reasons in writing to the chief executive officer why his or her registration should not be suspended or cancelled, and send a copy thereof to the driving licence testing centre concerned.*
  - (3) *After due consideration of all the relevant facts and circumstances, the chief executive officer may suspend for such period as he or she determines, or cancel the registration of the instructor and he or she shall notify the instructor and driving licence testing centre concerned accordingly.*
  - (4) *The instructor whose registration has been suspended or cancelled shall surrender his or her registration certificate forthwith to the chief executive officer.*
  - (5) *The chief executive officer shall update the register of instructors.*



- (6) *After the expiry of the period of suspension, the chief executive officer shall return to the person entitled thereto, the registration certificate that was surrendered to him or her in terms of subregulation (4).*

#### ***Application for amendment of registration of instructor***

- Reg 114E.** (1) (a) *Where an instructor desires that his or her registration applies to a further class of motor vehicle, he or she may apply in terms of regulation 114A for a new registration certificate.*
- (b) *The instructor shall undergo an examination and test with respect to the further class or classes of vehicle contemplated in paragraph (a), in accordance with that part of the “Manual for driver trainer instructors” of the Corporation that pertains to the theoretical and practical test contemplated in regulations 104 and 107.*
- (2) *If any of the particulars that appears on an instructor’s registration certificate changes, or the instructor desires that any condition of his or her registration be altered, substituted or deleted, the instructor shall apply for a new registration certificate in terms of regulation 114A.*
- (3) (a) *In the case of an application contemplated in subregulation (1), the chief executive officer may dispense with the furnishing of the reports referred to in regulation 114A(2).*
- (b) *In the case of an application contemplated in subregulation (2), the chief executive officer may dispense with the furnishing of the reports referred to in regulations 114A(2) and 114B(2).*
- (4) *If the application is granted—*
- (a) *the chief executive officer shall update the register of instructors;*
- (b) *the chief executive officer shall issue the new registration certificate free of charge; and*
- (c) *the new registration certificate shall not be issued before the existing registration certificate has been surrendered to the chief executive officer concerned for cancellation.*

#### ***Grades of instructors***

- Reg 114F** (1) *The chief executive officer shall grade an instructor as—*
- (a) *grade A, if such instructor is competent as referred to in regulation 114B to train a person for a driving licence of any code and such instructor holds a code EC driving licence for a manual transmission and a code A driving licence;*
- (b) *grade B, if such instructor is competent as referred to in regulation 114B to train a person for a driving licence of the code B, C1, C, EB, EC1 and EC, and such instructor holds a code EC driving licence for a manual transmission;*
- (c) *grade C, if such instructor is competent as referred to in regulation 114B to train a person for a driving licence of the code A1, A and B, and such instructor holds a code EB driving licence for a manual transmission and a*

- code A driving licence;*
- (d) *grade D, if such instructor is competent as referred to in regulation 114B to train a person for a driving licence of the code B, and such instructor holds a code EB driving licence for a manual transmission; or*
  - (e) *grade L, if such instructor is competent as referred to in regulation 114B to train a person for a learner's licence of any code.*
- (2) *An instructor who is graded in terms of subregulation (1)—*
- (a) *as a grade A instructor, shall be authorised to train a person for a driving licence of any code;*
  - (b) *as a grade B instructor, shall be authorised to train a person for a driving licence of the code B, C1, C, EB, EC1 or EC;*
  - (c) *as a grade C instructor, shall be authorised to train a person for a driving licence of the code A1, A or B;*
  - (d) *as a grade D instructor for driving licences, shall be authorised to train a person for a driving licence of the code B; or*
  - (e) *as a grade L instructor, shall be authorised to train a person for a learner's licence of any code.*

**Sec 29. Voidness of licence issued contrary to Chapter**

A learner's or driving licence issued contrary to this Chapter, shall be void, and upon the request of the inspectorate of driving licence testing centres, the authority which issued such licence or a traffic officer, as the case may be, the holder of such licence shall forthwith submit it or, in the case where it is contained in an identity document, that document, to the inspectorate of driving licence testing centres, the authority which issued it or the traffic officer, as the case may be, who shall cancel the licence in the prescribed manner: Provided that the traffic officer may only cancel the licence with the prior approval of the inspectorate of driving licence testing centres.

**Sec 30. Use of somebody's learner's or driving licence by another prohibited**

No person who is the holder of a learner's or driving licence shall allow such licence to be used by any other person.

**Sec 31. Unlicensed driver not to be employed or permitted to drive motor vehicle**

No person who is the owner or operator, or is in charge, or control, of a motor vehicle shall employ or permit any other person to drive that vehicle on a public road unless that other person is licensed in accordance with this Chapter to drive the vehicle.

## Part III

### Professional driver to have permit

#### Sec 32. Professional driver to have permit

- (1) No person shall drive a motor vehicle of a prescribed class on a public road except in accordance with the conditions of a professional driving permit issued to him or her in accordance with this Chapter and unless he or she keeps such permit with him or her in the vehicle: Provided that this subsection shall not apply to the holder of a learner's licence who drives such vehicle while he or she is accompanied by a person registered as a professional driver in respect of that class of vehicle.
- (2) The—
  - (a) categories of;
  - (b) nature and extent of the authority granted by;
  - (c) period of validity of;
  - (d) form and content of;
  - (e) application for and issue of;
  - (f) suspension and cancellation of;
  - (g) incorporation in any other document of; and
  - (h) other necessary or expedient matters in relation to,professional driving permits, shall be as prescribed.
- (3)
  - (a) Any document issued by a competent authority in any prescribed territory and serving in that territory a purpose similar to that of a professional driving permit shall, subject to the conditions thereof and to such conditions as may be prescribed, be deemed to be a professional driving permit for the purposes of subsection (1).
  - (b) A public driving permit issued in terms of the Road Traffic Act, 1989 (Act No. 29 of 1989), or a road traffic law contemplated in paragraph 2 of Schedule 6 to the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), shall, in accordance with the conditions thereof but subject to this Act, be deemed to be a professional driving permit for the purposes of this section for the period of validity of that public driving permit.

#### *Certain drivers of certain vehicles to hold professional driving permit*

**Reg 115.** (1) *Subject to the provisions of subregulation (2), a professional driving permit shall be held by the driver of—*

- (a) *a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;*
- (b) *a breakdown vehicle;*
- (c) *a bus;*
- (d) *a minibus—*
  - (i) *the gross vehicle mass of which exceeds 3 500 kilograms; or*
  - (ii) *which is designed or adapted for the conveyance of 12 or more*

*persons, including the driver;*

- (e) a motor vehicle used for the conveyance of persons for reward or is operated in terms of an operating licence issued in accordance with the provisions of the NLTTA.*
  - (f) a motor vehicle the gross vehicle mass of which exceeds 3 500 kilograms to which regulations 273 to 283 apply as contemplated in regulation 274;*
  - (g) a motor vehicle conveying 12 or more persons including the driver.*
- (2) The provisions of subregulation (1) does not apply—*
- (a) to a traffic officer or examiner of vehicles in the performance of his or her duties as contemplated in sections 3I and 3G of the Act, respectively;*
  - (b) to a person driving a hearse;*
  - (c) to a person driving a motor vehicle referred to in regulation 21(1) or 21(5);*
  - (d) subject to regulation 99(2), to a person driving a motor vehicle for which he or she holds a valid learner's licence with the code prescribed for that vehicle in terms of regulation 99(1), while being accompanied by a person holding a valid professional driving permit which authorises him or her to drive that vehicle;*
  - (e) to a person driving a tractor.*

➤ **SEE REGULATION 338A FOR TRANSITIONAL PROVISION**

***Categories of, and authority conveyed by, professional driving permit***

- Reg 116.** *(1) Professional driving permits are divided in the following categories:*
- (a) Category “G”, which authorises the driving of a motor vehicle as referred to in regulation 115(1)(a) and (b);*
  - (b) category “P”, which authorises the driving of a motor vehicle referred to in regulation 115(1)(a), (b), (c), (d), (e) and (g); and*
  - (c) category “D”, which authorises the driving of a motor vehicle referred to in regulation 115(1).*
- (2) For the purpose of subregulation (1), the term “driving” shall include the driving of a motor vehicle drawing another motor vehicle the last named of which is a motor vehicle as contemplated in regulation 115(1).*
- (3) The authority provided by a professional driving permit only applies in respect of a vehicle for which the holder holds a valid driving licence.*

**PROFESSIONAL DRIVING PERMIT  
Regulations 117(e)**

**DETERMINATION OF DATE REFERRED TO IN REGULATION 117(E) OF THE  
NATIONAL ROAD TRAFFIC REGULATIONS, 2000 UNDER THE NATIONAL ROAD  
TRAFFIC ACT, 1996 (ACT 93 OF 1996)**

The Minister of Transport (Jeffrey Thamsanqa Radebe), determined that from 1 July 2008 an application for a category “D” Professional Driving Permit shall be accompanied by a certificate from an approved Dangerous Goods Driver Training Body.

*[Government Gazette No: 30763, Notice number 155,  
dated 8 February 2008]*

***Disqualification from obtaining professional driving permit***

**Reg 117.** *A professional driving permit shall not be issued by a driving licence testing centre—*

- (a) unless the applicant is in possession of a valid driving licence for a motor vehicle in respect of which the permit is applied for;*
- (aA) unless, in the case of an application for a category “P” and “D” professional driving permit, the applicant is of the age of 21 years and 25 years, respectively, or over;*
- (b) unless a registered medical practitioner or occupational health practitioner has examined the applicant to determine whether or not he or she is disqualified from driving a motor vehicle as contemplated in section 15 (1) (f) of the Act, and has certified the applicant to be medically fit on form MC as shown in Schedule 2 not more than 2 months prior to the date of the application;*
- (c) if the applicant has, within a period of five years prior to the date of application, been convicted of or has paid an admission of guilt on –
  - (i) driving a motor vehicle while under the influence of intoxicating liquor or a drug having a narcotic effect;*
  - (ii) driving a motor vehicle while the concentration of alcohol in his or her blood or breath exceeded a statutory limitation;*
  - (iii) reckless driving; or*
  - (iv) in the case of an application for a category “P” and “D” permit, an offence of which violence was an element;**
- (d) during any period for which a professional driving permit or driving licence held by the applicant has been suspended or if such permit or licence has been cancelled; or*
- (e) unless, from a date to be determined by the Minister by notice in the Gazette, the applicant for a category “D” permit holds a certificate obtained from an approved training body as contemplated in regulation 280, not more than 6 months prior to the date of application.*

***Application for professional driving permit***

- Reg 118.** *(1) The driver of a vehicle contemplated in regulation 115(1) shall apply at a driving licence testing centre for a professional driving permit on form PD1 as shown in Schedule 2.*
- (2) An application referred to in subregulation (1) shall be accompanied by—*

- (a) *the fee for an application for a professional driving permit as prescribed by the MEC of the province concerned;*
  - (b) *acceptable identification of the applicant;*
  - (c) *two photographs of the applicant that comply with regulation 103(1);*
  - (d) *the original driving licence which authorises the applicant to drive a motor vehicle to which his or her application for a professional driving permit relates;*
  - (dA) *from the date referred to in regulation 117(e), the training certificate referred to in the said regulation, if applicable;*
  - (e) *the medical certificate on form MC as shown in Schedule 2; and*
  - (f) *any other professional driving permit or public driving permit already held by the applicant.*
- (3) *Upon receipt of an application made in terms of this regulation, the testing centre shall—*
- (a) *ensure that the application is in order with reference to regulation 117 and subregulation (2);*
  - (aA) *ensure that the applicant is not disqualified as contemplated in section 15 of the Act read with regulation 102;*
  - (b) *verify that the photographs submitted are those of the applicant; and*
  - (c) *record the application on the register of professional driving permits and verify from such register that the applicant is not subject to a suspension or cancellation of any driving licence or professional driving permit held by him or her.*
- (4) *If the driving licence testing centre is satisfied that the application is in order, it shall request the officer in charge of the nearest South African Police Service station for a report of the convictions identified in regulation 117(c), if any, recorded against the applicant and for the purpose of such report, any member of the South African Police Service may take the finger and palm prints of the applicant.*

### ***Manner of issue of professional driving permit***

- Reg 119.** (1) *If the examiner for driving licences is satisfied that the applicant complies with the requirements for the issue of a professional driving permit or in the case of an application in terms of regulation 121, the examiner concerned shall forthwith, if he or she is satisfied that the applicant must be issued with a professional driving permit and that the applicant is not disqualified from holding a driving licence as contemplated in section 15 (1) (f) (vi) of the Act read with regulation 102—*
- (a) *complete the authorisation to issue the professional driving permit on form PD1, as shown in Schedule 2 and record the authorisation on the register of professional driving permits;*
  - (b) *ensure, from the date referred to in regulation 117(e), that the applicant holds a training certificate referred to in the said regulation, if applicable;*

- (c) *except for in the circumstances mentioned in paragraph (d), the examiner for driving licences shall—*
- (i) *take an imprint of the left thumb and right thumb of the applicant, and should the applicant not have a left or right thumb, an imprint of such fingers as specified by the image capturing system, the identification of which shall be noted on the image capturing system;*
  - (ii) *capture the photographic image of the applicant on the image capturing system depicting only the head and shoulders of the applicant and showing the applicant's full face and subject to regulation 103(1)(a)(vii), showing the applicant without headgear;*
  - (iii) *capture the signature image of the applicant on the image capturing system;*
  - (iv) *ensure that the applicant's vision complies with the requirements referred to in regulation 102 by using the image capturing system. Provided that should the applicant fail the automated vision test, the verbal vision test shall be used;*
  - (v) *print the image capture sheet on form ICS as shown in Schedule 2 from the image capturing system;*
  - (vi) *record the barcode number on the image capture sheet on the application form submitted in terms of regulation 106 (1) and on the register of driving licences;*
  - (vii) *retain the image capture sheet for record purposes; and*
  - (viii) *send the disk containing the finger print images, signature and photograph to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence, order the driving licence card on which the professional driving permit appears from that facility.*

*Provided that the tasks mentioned in items (vi) to (viii) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned;*

- (d) *only in the case where the driving licence testing centre concerned has not been equipped with an image capturing system or in the case where the driving licence testing centre concerned has been equipped with one or more image capturing systems and all or at least two such image capturing systems are not available due to a failure and such failure has been reported according to the call logging procedures or in the case where the MEC has specifically given authority to the driving licence testing centre to use this procedure, the examiner for driving licences shall—*
- (i) *ensure that the applicant's vision complies with the requirements referred to in regulation 102;*

- (ii) *take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;*
- (iii) *affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;*
- (iv) *ensure that the same barcode number appears on form ISS and the duplicate of it;*
- (v) *ensure that the applicant signs form ISS and the duplicate of it;*
- (vi) *retain the duplicate of form ISS for record purposes;*
- (vii) *record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106 (1) and on the register of driving licences; and*
- (viii) *send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence, order the driving licence card on which the professional driving permit appears from that facility.*

*Provided that the tasks mentioned in items (vi) to (viii) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned; and*

- (2) (a) *On receipt of the disk referred to in subregulation (1)(c)(viii) or form ISS referred to in subregulation (1)(d)(vii) and the order for the driving licence card, the Card Production Facility shall, if the images recorded onto the disk or image scanning sheet concerned are accepted —*
  - (i) *personalise and produce the driving licence card on form DL3 as shown in Schedule 2; and*
  - (ii) *forward the driving licence card and notice NCD as shown in Schedule 2 to the driving licence testing centre concerned.*
- (b) *If the images recorded onto the disk or image scanning sheet concerned are not accepted by the Card Production Facility, the applicant shall again report to the driving licence testing centre for the repeat of subregulation (1)(c) or, if approved by the driving licence testing centre, submit a further two photographs of himself or herself that comply with regulation 103(1) upon receipt of which the examiner for driving licences shall repeat subregulation (1)(d).*
- (3) *On receipt of the driving licence card referred to in subregulation (2), the driving licence testing centre shall—*
  - (a) *record the receipt of the driving licence card on which the professional driving permit appears, on the register of professional driving permits;*
  - (b) *notify the applicant on form NCD as shown in Schedule 2, to collect such*



*driving licence card at such centre;*

- (c) after presentation of the applicant's acceptable identification and the submission of every licence and professional driving permit held by such applicant, issue such driving licence card to the applicant;*
  - (d) ensure that the applicant acknowledges receipt of the driving licence card on the application form; and*
  - (e) update the register of professional driving permits accordingly to reflect the issue of the driving licence card.*
- (4) An examiner for driving licences or a person authorised thereto shall deface an unclaimed driving licence card on which a professional driving permit appears 120 days after the notice referred to in subregulation (3)(b) was posted, except previously otherwise agreed with the applicant, and record the defacement of such driving licence card on the register of professional driving permits.*

**AMOUNT PAYABLE BY A DRIVING LICENCE TESTING CENTRE IN TERMS OF  
REGULATION 108 (1A) AND 119 OF THE NATIONAL ROAD TRAFFIC REGULATIONS,  
2000**

*I, Sibusiso Joel Ndebele, Minister of Transport, acting in terms of Section 75 read with regulation 108 (1A) and 119 of the National Road Traffic Regulations, hereby publish the amount which a driving licence testing centre shall pay over to the Card Production Facility as contemplated in the abovementioned regulations, as being:*

*R75,00 for every issuance of a driving licence card or professional driving permit the application of which is received on or after 1 November 2010*

**Sibusiso Joel Ndebele**  
**MINISTER OF TRANSPORT**

*Government Gazette No: 33685, Notice number 1011,  
dated 26 October 2010]*

***Professional driving permit remains in force after application***

- Reg 120.** *(1) Notwithstanding the provisions of Regulation 122 (1), where the holder of a professional driving permit has applied for a new professional driving permit in the manner contemplated in Regulation 122 (2) on or before the expiry date of the professional driving permit held by such person and the professional driving permit or a driving licence of the person concerned has not been suspended or cancelled, that permit shall remain valid until the new professional driving permit has been issued in terms of Regulation 119 (3) or until such holder is notified that his or her application for a new professional driving permit has been refused in terms of Regulation 125 (4) but not for more than four months after the expiry date of such professional driving permit.*
- (2) The provisions of subregulation (1) shall only apply if the holder of the professional driving permit is in possession of the professional driving permit previously issued to him or her and proof of the fees paid in terms of Regulation 118 (2) (a) for a new professional driving permit as contemplated in Regulation 122 (2).*

### ***Application for duplicate driving licence card on which professional driving permit appears***

- Reg 121.** (1) *An application for a duplicate driving licence card on which a professional driving permit appears, shall be made on form PD1 as shown in Schedule 2 to the driving licence testing centre, and shall be accompanied by—*
- (a) the fee which shall be the same as the fee referred to in regulation 108(1);*
  - (b) the acceptable identification of the applicant;*
  - (c) two photographs of the applicant, referred to in regulation 103(1); and*
  - (d) the driving licence card on which the professional driving permit appears, or where the card has been lost or stolen, a declaration on form DCT as shown in Schedule 2.*
- (2) *If the permit in question would have expired within a period of three months from the date of the application referred to in subregulation (1), the person concerned shall apply for, and be issued with, a new permit in accordance with regulation 118 and 119, respectively.*
- (3) *Upon receipt of an application for a duplicate driving licence card on which a professional driving permit appears, the driving licence testing centre shall—*
- (a) ensure that the application is in order;*
  - (b) verify that the applicant is not subject to a suspension or cancellation of any driving licence or professional driving permit held by him or her; and*
  - (c) issue the duplicate of a driving licence card on which a professional driving permit appears in accordance with regulation 119: Provided that a police report and medical certificate as referred to in regulation 119(1)(e) are not required.*

### ***Period of validity of professional driving permit, re-application and re-issuing***

- Reg 122.** (1) *A professional driving permit shall be valid for a period of 24 months from the date of authorisation thereof as referred to in regulation 119(1)(a) unless the permit or a driving licence of the person concerned has been suspended or cancelled. Provided that where a person has applied for a new professional driving permit in the manner contemplated in subregulation (2) on or before the expiry date of the professional driving permit held by such person, the new professional driving permit shall be valid for a period of 24 months from the date after the expiry date of the professional driving permit held by such person.*
- (2) *Regulations 117, 118 and 119 apply to the re-application and re-issuing of a professional driving permit.*

### ***Suspension or cancellation of professional driving permit***

- Reg 123.** (1) *If any circumstance arises which would have caused the holder of a professional driving permit to be disqualified from obtaining that permit, the chief executive officer may suspend or cancel the permit held by such person and the holder shall submit the driving licence card on which the permit appears to the chief executive officer, upon which the chief executive officer shall—*

- (a) *remove the professional driving permit from the driving licence card; and*
  - (b) *record the suspension or cancellation of the permit on the register of professional driving permits.*
- (2) *The holder of a professional driving permit whose permit has been suspended or cancelled by a court under section 34 of the Act, shall submit the card on which the permit appears to the registrar or clerk of the court who shall ensure that the professional driving permit is removed from the driving licence card by the chief executive officer and that the suspension or cancellation of the permit is recorded on the register of professional driving permits.*

***Prohibition of permitting or assisting person not being holder of professional driving permit to drive vehicle***

**Reg 124.** *No person who—*

- (a) *is the operator, owner or is in charge or control of a motor vehicle referred to in regulation 115(1) may employ or permit any other person to drive that motor vehicle on a public road, unless that other person is the holder of a professional driving permit of the appropriate category contemplated in regulation 116(1); or*
- (b) *is the holder of a professional driving permit under this Part, may allow such permit to be used by any other person.*

***Referral of application to MEC***

**Reg 125.** (1) *If an applicant for a professional driving permit complies with all the requirements and conditions specified in the regulations but has—*

- (a) *not been certified to be medically fit as referred to in regulation 117(b); or*
- (b) *within a period of five years prior to the date of the application, been convicted of an offence referred to in regulation 117(c),*

*he or she may request the driving licence testing centre concerned to refer his or her application to the MEC for a decision whether or not a professional driving permit may be issued.*

- (2) *An application referred to the MEC for a decision shall be accompanied by the applicant's reasons why the application should be re-considered as well as a recommendation from the testing centre whether the application should be re-considered.*
- (3) *If the MEC approves that a professional driving permit may be issued, he or she shall—*
  - (a) *ensure that such approval is recorded on the register of professional driving permits; and*
  - (b) *inform the driving licence testing centre concerned accordingly, and the testing centre shall deal with the application in accordance with regulation 119.*
- (4) *If the MEC refuses the application, the testing centre concerned and the applicant shall be informed accordingly.*

***Records to be kept by driving licence testing centre of professional driving permits***

**Reg 126.** *A driving licence testing centre shall keep records of—*

- (a) every application for a professional driving permit made to it in terms of regulation 118(1) and any documentation accompanying the application;*
- (b) every image capture sheet as referred to in regulation 119(1)(c)(vii) and every duplicate image scanning sheet of which the original was forwarded to the Card Production Facility as referred to in regulation 119(1)(d)(v).*
- (c) the form NCD received from the card production facility in respect of every permit authorised by the testing centre;*
- (d) the card on which a permit appears as referred to in regulation 119(3)(c);*
- (e) any notification it receives; and*
- (f) any other documentation in connection with or related to any permit issued, suspended or cancelled by it.*

***Voidness of professional driving permit issued contrary to regulations***

**Reg 127.** *A professional driving permit issued contrary to the provisions of these regulations is void and the holder of it shall, on demand by the testing centre which issued the permit or by a traffic officer, forthwith deliver the permit to the testing centre or traffic officer.*

**Sec 33. Production of licence and permit to court**

- (1) If any person is charged with any offence in terms of this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident, he or she shall produce every licence and permit of which he or she is the holder, or a duplicate thereof issued in terms of this Act if he or she is not in possession of the original, to the court at the time of the hearing of the charge.
- (2) For the purposes of this section and sections 34 to 36, inclusive—  
“licence” means a learner’s or driving licence; and  
“permit” means a professional driving permit.
- (3) No person referred to in subsection (1) shall, without reasonable excuse, refuse or fail to produce in terms of that subsection the licence and permit or duplicate so referred to on request.

**Sec 34. Court may issue order for suspension or cancellation of licence or permit or disqualify person from obtaining licence or permit**

- (1) Subject to section 35, a court convicting a person of an offence in terms of this Act, or of an offence at common law, relating to the driving of a motor vehicle may, in addition to imposing a sentence, issue an order, if the person convicted is—
  - (a) the holder of a licence, or of a licence and permit, that such licence or licence and permit be suspended for such period as the court may deem fit or that such licence or licence and permit be cancelled, and any such licence shall be dealt with as provided in subsection (3);
  - (b) the holder of a licence, or of a licence and permit, that such licence or licence and permit be cancelled, and that the person convicted be disqualified from obtaining a licence, or a licence and permit, for any class

of motor vehicle for such period as the court may deem fit, and any such licence shall be dealt with as provided in subsection (3); or

- (c) not the holder of a licence, or of a licence and permit, declaring him or her to be disqualified from obtaining a licence, or a licence and permit, either indefinitely or for such period as the court may deem fit.
- (2) The making of an endorsement in terms of subsection (3) may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of.
- (3) Where a court has issued an order under subsection (1) (a) or (b) the registrar or clerk of the court shall, subject to subsection (2), in the case where the licence—
  - (a) is contained in an identity document, endorse such licence accordingly and return the identity document to the holder thereof; or
  - (b) is not contained in an identity document, retain such licence and deal with it in the prescribed manner.

**Sec 35. On conviction of certain offences licence and permit shall be suspended for minimum period and learner's or driving licence may not be obtained**

- (1) Subject to subsection (3), every driving licence or every licence and permit of any person convicted of an offence referred to in—
  - (a) section 61 (1) (a), (b) or (c), in the case of the death of or serious injury to a person;
  - (aA) section 59 (4), in the case of a conviction for an offence, where—
    - (i) a speed in excess of 30 kilometres per hour over the prescribed general speed limit in an urban area was recorded; or
    - (ii) a speed in excess of 40 kilometres per hour over the prescribed general speed limit outside an urban area or on a freeway was recorded; and
  - (b) section 63 (1), if the court finds that the offence was committed by driving recklessly;
  - (c) section 65 (1), (2) or (5),where such person is the holder of a driving licence or a licence and permit, shall be suspended in the case of—
  - (i) a first offence, for a period of at least six months;
  - (ii) a second offence, for a period of at least five years; or
  - (iii) a third or subsequent offence, for a period of at least ten years, calculated from the date of sentence.
- (2) Subject to subsection (3), any person who is not the holder of a driving licence or of a licence and permit, shall, on conviction of an offence referred to in subsection (1), be disqualified for the periods mentioned in paragraphs (i) to (iii), inclusive, of subsection (1) calculated from the date of sentence, from obtaining a learner's or driving licence or a licence and permit.
- (3) If a court convicting any person of an offence referred to in subsection (1), is satisfied, after the presentation of evidence under oath, that circumstances relating to the offence exist which do not justify the suspension or disqualification referred to in subsection (1) or (2), respectively, the court may, notwithstanding the

provisions of those subsections, order that the suspension or disqualification shall not take effect, or shall be for such shorter period as the court may consider fit.

- (4) A court convicting any person of an offence referred to in subsection (1) shall, before imposing sentence, bring the provisions of subsection (1) or (2), as the case may be, and of subsection (3) to the notice of such person.
- (5) The provisions of section 36 shall with the necessary changes apply to the suspension of a driving licence or a licence and permit in terms of this section.

**Sec 36. Procedure subsequent to suspension or cancellation of licence or permit**

- (1) Where a court has issued an order that any licence or any permit be suspended or cancelled, the prescribed procedure shall be followed.
- (2) Whenever a licence is or a licence and permit are suspended or cancelled in terms of an order of court, the suspension or cancellation shall apply to every other licence or licence and permit, as the case may be, held by the person concerned.

## **CHAPTER V**

### **FITNESS OF VEHICLES**

**Sec 37. Testing station to be registered**

No person, department of State or registering authority shall operate a testing station unless such testing station is registered and graded.

**Sec 38. Application for registration of testing station**

Any person, department of State or registering authority desiring to operate a testing station shall apply in the prescribed manner to the inspectorate of testing stations for the registration of such testing station.

***Manner of application to be approved as suitable person or body of persons to be able to apply for registration of testing station***

- Reg 128.** (1) *A person or body of persons desiring to operate a testing station as contemplated in section 38, shall declare such intention in writing in an affidavit or an affirmation and submit such affidavit or affirmation and the fee as determined by the MEC concerned, to the MEC concerned.*
- (2) *The affidavit or affirmation contemplated in subregulation (1) shall contain —*
- (a) *the particulars of every person, or the members or directors of every juristic person in whose name such testing station shall be registered in the event that such application is approved;*
  - (b) *the exact location of the proposed testing station;*
  - (c) *the grade of testing station to be operated; and*
  - (d) *all matters relevant to the consideration of the suitability of such application, addressed in the agreement to be concluded between the MEC and a testing station proprietor as proposed in Schedule 3.*

***Consideration of suitability of testing station and person or body of persons to operate testing station***

- Reg 129.** (1) *The MEC shall consider the application referred to in regulation 128 and shall, without limiting the factors to be considered, take the following into account-*
- (a) *the suitability of the applicant;*
  - (b) *the rejection of the applicant to register a testing station, by any other MEC;*
  - (c) *the rejection of any spouse or partner of the applicant to operate a testing station;*
  - (d) *the recommendations from the inspectorate of testing stations; and*
  - (e) *all matters relevant to the application as contained in the agreement to operate a testing station as proposed in Schedule 3.*
- (2) *The MEC may require or obtain any additional information to decide on the application.*
- (3) *The MEC may require that any applicant or the spouse or partner of the*

*applicant obtain a record of previous convictions from the South African Police Services.*

- (4) If the MEC is satisfied as to the suitability of the testing station he or she shall notify the applicant in writing of his or her decision to approve the application.*
- (5) If the MEC is not satisfied as to the suitability of the testing station he or she shall refuse to register such testing station, and shall notify the applicant accordingly and shall provide the applicant with the reasons of such refusal in writing.*
- (6) A person or body of persons whose application to operate a testing station has been refused by an MEC due to the unsuitability of such person or body of persons, may not apply in any other Province for the operation of a testing station as contemplated in regulation 128 until such person or body of persons complies with the requirements of this Act*

### **Sec 39. Registration and grading of testing station**

If, upon receipt of an application referred to in section 38, the inspectorate of testing stations is satisfied that the prescribed requirements for registration of the testing station concerned have been met, it shall register and grade such testing station on the conditions and in the manner prescribed, and shall give notice of such registration in the *Gazette*.

#### ***Manner of application of approved person or body of persons to register testing station***

**Reg 130.** (1) *An application by an approved person or body of persons as contemplated in regulation 129 (4) for the registration of a testing station, shall be made on form TS1 as shown in Schedule 2, and a management representative and alternative management representative shall be identified in respect of the testing station concerned.*

*Provided that the MEC of a province concerned may exempt a testing station from complying with provisions of this subregulation if he or she determines the area where such station is situated as an area with a small population of motor vehicles*

- (2) An application as referred to in subregulation (1) shall be accompanied by acceptable identification of the applicant and of the management representatives identified under subregulation (1), and such other documentation as required to complete the agreement as proposed in Schedule 3.*

#### ***Requirements to be met for registration of testing station***

**Reg 131.** *The requirements for registration of a testing station, are-*

- (a) compliance with "The minimum requirements for testing stations" as shown in Schedule 4;*
- (b) the ability to test and examine a motor vehicle in terms of "The testing and examination of motor vehicles" as shown in SANS 10047: Testing of motor vehicles for roadworthiness, as contemplated in regulation 140;*
- (c) a signed agreement between the MEC and the testing station proprietor reflecting the information of the agreement as proposed in Schedule 3; and*
- (d) the payment of the fees as determined by the MEC of the province concerned.*



### ***Manner of registration of a testing station***

- Reg 132.** (1) *The MEC shall, upon receipt of an application for registration of a testing station made in terms of regulation 130 with due regard to the evaluation and recommendations of the inspectorate of testing stations, satisfy himself or herself that the testing station concerned complies with the requirements referred to in regulation 131.*
- (2) *If the MEC is satisfied as to the suitability of the testing station in terms of regulations 128 and 130, he or she shall-*
- (a) *subject to the conditions he or she may deem fit, register and, in terms of regulation 135, grade such testing station;*
  - (b) *record the particulars of such testing station on the register of testing stations;*
  - (c) *issue a certificate of registration on form CR as shown in Schedule 2, to such testing station;*
  - (d) *provide, upon payment of the fees as determined by the MEC of the province concerned, as many forms necessary for the certification of roadworthiness of motor vehicles as requested by a testing station, if such testing station is not under the control of a registering authority; and*
  - (e) *give notice of the registration of the testing station in the provincial gazette concerned.*
- (3) *A certificate of registration issued in terms of subregulation (2)(c) shall be displayed in a conspicuous place where members of the public who make use of the testing station can see such certificate.*
- (4) *A testing station shall only be registered for the premises reflected on form CR and may only be operated by the testing station proprietor in whose name the testing station is registered.*

### ***Notification of change of particulars of testing station***

- Reg 133.** (1) *Subject to the provisions of subregulation (3), the testing station proprietor in whose name the testing station is registered, shall, upon the change of any of the particulars submitted in terms of regulations 128 and 130, notify the MEC and the inspectorate of testing stations of such change on form TS1 as shown in Schedule 2, within 14 days after such change.*
- (2) *The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of testing stations accordingly.*
- (3) *In the event that the testing station proprietor sell or alienate the testing station, it shall be considered as a new application and the procedure referred to in regulations 128 shall apply.*

### **Sec 40. Suspension or cancellation of registration of testing station**

The inspectorate of testing stations may, if a registered testing station no longer complies with the requirements contemplated in section 39, suspend, for such period as it may deem fit, or cancel the registration of such testing station or regrade the testing station in the prescribed manner.

### ***Approval of appointment of examiner of vehicles prior to appointment***

- Reg 134.** (1) *A testing station proprietor who desires to appoint an examiner of vehicles at a testing station, shall submit the particulars of such examiner of vehicles to the MEC concerned, for approval.*
- (2) *The MEC shall evaluate the record, registration and grading of the examiner of vehicles referred to in subregulation (1) for his or her suitability to be appointed at the testing station concerned and shall notify the testing station proprietor of his or her decision.*
- (3) *A testing station proprietor shall not appoint an examiner of vehicles, unless the appointment of such examiner has been approved by the MEC.*

### **Sec 41. Appointment of inspectorate of testing stations**

- (1) The Minister shall, after a decision has been taken by the Shareholders Committee, appoint a person, an authority or a body as an inspectorate of testing stations.
- (2) The powers and duties of the inspectorate contemplated in subsection (1) in relation to the inspection and the control of standards, grading and operation of testing stations shall be as prescribed.
- (3) The Minister may, in order to defray the expenditure incurred by or on behalf of that inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of every examination conducted or test carried out regarding the roadworthiness of a motor vehicle.
- (4) The Minister shall—
- (a) prescribe the training procedures and qualifications of a person appointed under subsection (1); and
  - (b) determine the criteria with which an authority or a body established as an inspectorate in terms of subsection (1) must comply.

### ***Grades of testing stations***

- Reg 135.** (1) *The MEC shall grade a testing station as a grade A or B, as the case may be, if such testing station complies with the appropriate grading requirements when it is evaluated, according to "The minimum requirements for testing stations" as shown in Schedule 4.*
- (2) (a) *A grade A testing station is authorised to examine and test a motor vehicle of any class in terms of regulation 140 for roadworthiness; and*
- (b) *A grade B testing station is authorised to examine and test a motor vehicle of any class, excluding -*
- (i) *a bus, minibus or goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms; or*
  - (ii) *any other motor vehicle the tare of which exceeds 3 500 kilograms.*

- (3) *The MEC may restrict a testing station registered and graded before the date of implementation of this amendment to examine and test only -*
  - (a) *vehicles owned and operated by certain persons;*
  - (b) *vehicles of certain makes;*
  - (c) *vehicles of certain models,*
  - (d) *vehicles of certain classes;*
  - (e) *vehicles with certain dimensions; or*
  - (f) *vehicles as may be determined by the MEC concerned.*
- (4) *The MEC may amend the grading of a testing station registered before the implementation of this regulation, if such testing station does not fully comply with the requirements in Schedule 4 and shall do so in terms of the provisions of such schedule.*

#### ***Manner of suspension or cancellation of registration of a testing station***

- Reg 136.** (1) *Subject to subregulation (3), the MEC shall, upon being notified that a registered testing station does not comply with the provisions of this Act, or upon a recommendation of the inspectorate of testing stations that a testing station does not comply satisfy himself or herself of the non-compliance of such testing station.*
- (2) *The MEC shall, in considering the suspension or cancellation of the registration of a testing station on any matter, other than an alleged criminal offence-*
    - (a) *notify the testing station proprietor of the failure of such testing station to comply with the requirements of this Act; and*
    - (b) *demand from such testing station proprietor to indicate in writing within 14 days from the date of the said notification-*
      - (i) *the reason for such failure; and*
      - (ii) *the details of the measures that have been taken to rectify and prevent such failure.*
  - (3) *If the MEC has an affidavit or an affirmation on any alleged criminal offence committed by any testing station proprietor or an employee, agent or manager of such testing station, he or she may immediately suspend the registration of such testing station and seize any records and unused documents of such testing station.*
  - (4) *If the MEC is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the proprietor referred to in paragraph (2)(a) and may-*
    - (a) *suspend, or*
    - (b) *cancel, the registration of such testing station.*
  - (5) *If the MEC suspends or cancels the registration of a testing station, he or she shall-*
    - (a) *notify such testing station proprietor of such suspension or cancellation and*

*the reason therefor and, in the case of suspension, the period thereof; and*

*(b) give notice in the Provincial Gazette of the cancellation referred to in paragraph (a).*

*(6) The person referred to in paragraph (2)(a) whose testing station registration has been cancelled, shall within three days after having been notified of such cancellation, submit to the MEC-*

*(a) the certificate of registration referred to in regulation 132(2)(c) issued in respect of such testing station; and*

*(b) a reconciliation of forms held and issued, and blank forms.*

**Sec 42. Certification of roadworthiness required in respect of motor vehicle**

- (1) No person shall operate a motor vehicle which is not in a roadworthy condition on a public road.
- (2) No person shall operate a motor vehicle on a public road unless the requirements in respect of a certification of roadworthiness contemplated in subsection (4) in relation to such motor vehicle are complied with, and except in accordance with the conditions of such certification of roadworthiness.
- (3) No person shall operate a motor vehicle on a public road unless the requirements in respect of a roadworthy certificate contemplated in subsection (4) in relation to such motor vehicle are complied with, and except in accordance with the conditions of such roadworthy certificate.
- (4) Subject to this Chapter—
  - (a) the classes of motor vehicles requiring certification of roadworthiness and the classes of motor vehicles requiring roadworthy certificates;
  - (b) the period of validity of certification of roadworthiness and roadworthy certificates;
  - (c) the examination of motor vehicles;
  - (d) the certification of roadworthiness and issue of roadworthy certificates; and
  - (e) any other aspect regarding certification of roadworthiness and roadworthy certificates which the Minister may deem necessary or expedient, shall be as prescribed.
- (5) Any document issued by a competent authority in a prescribed territory relating to any vehicle registered in such prescribed territory and serving a similar purpose to that of certification of roadworthiness or a roadworthy certificate shall, in accordance with the conditions thereof but subject to this Act, be regarded to be certification of roadworthiness or a roadworthy certificate relating to any such vehicle registered in the prescribed territory for the purpose of subsection (2) or (3), as the case may be.

**Sec 42A. Roadworthy certificate to be displayed on motor vehicle**

Subject to section 42 (5), no person shall operate a motor vehicle referred to in section 42 (3) on a public road unless a valid roadworthy certificate discussed in terms of this Act is displayed on such motor vehicle in the prescribed manner.

**Sec 43. Application for certification of roadworthiness**

Any person desiring to obtain certification of roadworthiness shall apply in the prescribed manner to an appropriately graded testing station.

***Duties of a testing station proprietor***

**Reg 137.** *A testing station proprietor shall-*

- (a) *notify the MEC of the province concerned within 14 days of any change in particulars or circumstances in relation to any information provided to the MEC on the testing station;*
- (b) *exercise proper control over the management representative, examiner of vehicles or officer employed at such testing station;*
- (c) *ensure that motor vehicles tested at such testing station are tested and examined in accordance with the provisions of this Act and prescribed standards;*
- (d) *ensure that all records are kept as required by the Act;*
- (e) *ensure that all records, tax clearance certificates and calibration tables are submitted to the relevant MEC; and*
- (f) *ensure that all documents required in terms of the Act and SABS specifications are kept up to date and all amendments recorded.*

***Duties of a management representative***

**Reg 137A.** *A management representative shall-*

- (a) *ensure that every vehicle tested at the testing station, is tested in accordance with the provisions of the Act; and*
- (b) *if he or she is not the testing station proprietor, report possible deviations from the Act, by any examiner employed at such Station to the testing station proprietor.*

***Act or omission of management representative, examiner of Vehicles or employee employed by testing station proprietor***

**Reg 137B.(1)** *Whenever any management representative, examiner of vehicles or employee of a testing station commits or omits an act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted such act, that testing station proprietor shall, in the absence of evidence-*

- (a) *that he or she did not connive at or permit such act or omission;*
- (b) *that he or she took all reasonable measures to prevent an act or omission of the nature concerned; and*

- (c) *that an act or omission of the nature of the act or omission charged, did not fall within the scope of the authority of or the course of the employment as such manager, agent or employee, be deemed himself or herself to have committed or omitted that act and be liable to be convicted and sentenced in respect thereof.*
- (2) *Whenever any management representative, examiner of vehicles or employee of a testing station, commits or omits any act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted it, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such testing station proprietor.*

***Transitional provision for registering testing station operating without agreement***

**Reg 137C.** *A testing station that was registered prior to the implementation of this provision, shall comply with the provisions of regulation 131(c) from a date, 12 months after implementation of this regulation.*

***Fee to defray expenditure incurred by inspectorate of testing stations***

- Reg 137D.** (1) *A registered testing station shall pay to the inspectorate of testing stations a fee amounting to three per cent of the fee provided for in Schedule 1 to be paid to a registering authority for an application for a roadworthy certificate or certificate of fitness, as the case may be, in respect of each application for which an examination and test was done in terms of the Act by such testing station.*
- (2) *The fee collected in terms of subregulation (1) shall be retained at such testing station and paid to the inspectorate of testing stations on 1 January and 1 July of each year in respect of the examinations and tests performed during the preceding six months.*
  - (3) *The inspectorate of testing stations shall submit to the Director-General not later than 1 March of each year a statement of fees received and costs incurred by or on behalf of such inspectorate for the period 1 January to 31 December of the preceding year.*

***Powers and duties of the inspectorate of testing stations***

**Reg 137E.** (1) *The inspectorate of testing stations*

- (a) *shall, evaluate a testing station in accordance with the requirements referred to in Schedule 4 and recommend to the MEC-*
  - (i) *suitability of such testing station for registration; and*
  - (ii) *the grading of such testing station;*
- (b) *shall, in respect of every testing station, conduct at least one inspection per year to monitor the standards applied at every testing station;*
- (c) *may advise any testing station on the improvement and maintenance of testing facilities and procedures; and*

- (d) *shall, when necessary, recommend to the MEC the suspension or cancellation of the registration of a testing station.*
- (2) *A person employed by, or who acts on behalf of, the inspectorate of testing stations, may at any reasonable time*
  - (a) *inspect, examine or test any motor vehicle; and*
  - (b) *without prior notice -*
    - (i) *enter the premises of any testing station;*
    - (ii) *inspect any records of the testing station referred to in subregulation 1 (a)(i); and*
    - (iii) *question any person with regard to any matter relating to the operation of the testing station referred to in subregulation (1).*

***Certification of roadworthiness required in certain circumstances***

- Reg 138.** (1) *Subject to subregulations (2) and (3), a registering authority shall not issue a licence disc in respect of a—*
- (a) *used motor vehicle of which the owner has changed;*
  - (b) *motor vehicle in respect of which a notice to discontinue operation was issued as referred to in section 44 of the Act;*
  - (c) *motor vehicle built up from parts by a builder who is not required to be registered as such under these regulations;*
  - (d) *motor vehicle referred to in regulation 31 (1), which was reconstructed or altered;*
  - (e) *motor vehicle imported into the Republic by an importer who is not required to be registered as such under these regulations;*
  - (f) *motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer which is not registered in terms of regulation 40 (2);*
  - (fA) *a motor vehicle referred to in regulation 41(a)(iii), 41(b)(ii), 41(b)(iii) and 41(b)(iv);*
  - (g) *motor vehicle referred to in regulation 142 (1), in respect to which a roadworthy certificate must be held;*
  - (h) *motor vehicle referred to in regulation 8 (2) (e) in respect of which the certificate referred to in that regulation does not contain the model number referred to in that regulation;*
  - (i) *motor vehicle which has been found to be unroadworthy as referred to in regulation 147 (6) (a); or*
  - (j) *motor vehicle regarded to be unroadworthy in terms of regulation 147 (7) (a) due to no reaction within 35 days after issue of notice referred to in the said regulation,*
- unless such motor vehicle is certified to be roadworthy as referred to in regulation 141 (2), within a period of 60 days prior to such vehicle being licensed.*
- (2) *The provisions of subregulation (1) (a) and (g) shall not apply in respect of a—*
- (a) *motor vehicle which was stolen and of which an insurance company has after the recovery thereof become the owner in terms of an insurance policy;*

- (b) *motor vehicle referred to in regulation 6 (c) which was repossessed;*
- (c) *motor vehicle referred to in regulation 21 (1) or 21 (5), which is specially classified in respect of the payment of motor vehicle licence fees; or*
- (3) *The provisions of subregulation (1) (a) shall not apply in respect of—*
  - (a) *a motor vehicle acquired from a deceased spouse;*
  - (b) *a motor vehicle of which the owner changes due to—*
    - (i) *the reconstruction of a company;*
    - (ii) *the amalgamation of companies;*
    - (iii) *the takeover of a company;*
    - (iv) *a scheme of arrangement in terms of section 311 to 313 of the Companies Act, 1973 (Act No. 61 of 1973); or*
    - (v) *the reconstruction of a close corporation,*  
*if, in the circumstances referred to in item (i), (ii) (iii) or (iv) a board resolution or member resolution of the company who is the registered owner of such motor vehicle, as the case may be, sanctioning such reconstruction, amalgamation or takeover, or in the circumstances referred to in item (iv), the court order sanctioning such scheme of arrangement, is submitted to the registering authority concerned;*
  - (c) *a motor vehicle other than a motor vehicle referred to in regulation 142(1) of which the owner has changed within 60 days after the date of liability for the first licensing of such motor vehicle; or*
  - (d) *a motor vehicle in the case of which the branch of a business or body of persons is deemed to be the title holder or owner thereof in terms of regulation 6 (a), where another branch of that business or body of persons becomes the owner or title holder.*

### ***Manner of application for certification of roadworthiness***

- Reg 139.** (1) *An application for the certification of roadworthiness as referred to in regulation 138 shall be made on form ACR as shown in Schedule 2 at an appropriately graded testing station and shall be accompanied by—*
- (a) *the acceptable identification of the applicant; and*
  - (b) *the appropriate fees as determined by the MEC of the province concerned, or in the case where such testing station is not under the control of a registering authority, as determined by such testing station.*
  - (c) *in a case of a minibus, midibus or bus first registered on or after 1 July 2012 and operating for reward, a duly completed form VDSCD for the fitment of a vehicle directional stability control device as provided for in terms of regulation 212 (o) by an approved fitment centre as shown in Schedule 2.*
- (2) *On receipt of an application referred to in subregulation (1), the testing station concerned shall determine the date, time and place for the examination and testing of the motor vehicle concerned.*



### ***Examination and testing of motor vehicle for roadworthiness***

- Reg 140.** (1) *An appropriately graded examiner of vehicles shall examine and test the motor vehicle referred to in regulation 139(2) as prescribed in code of practice SABS 047 “Testing of motor vehicles for roadworthiness”.*
- (2) (a) *A motor vehicle presented for an examination and test shall be clean and all parts to be examined shall be free from excessive grease, oil and dirt.*
- (b) *If a motor vehicle to which regulations 273 to 283 applies is presented for an examination and test, the containment system of such motor vehicle shall be purged so that the vehicle can be safely examined and tested and re-filled with any other substance.*
- (c) *A motor vehicle equipped with full air braking systems registered for the first time on or after 15 July 1987, shall be presented for an examination and test with test connections designed in accordance with standard specification SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, fitted to the front circuit and before and after any load sensing valve, and such test connections shall be in good working order.*

### ***Manner of certification of roadworthiness***

- Reg 141.** (1) *The examiner of vehicles shall, after the examination and testing of a motor vehicle, provide the applicant with the original form RTS as shown in Schedule 2.*
- (2) *If the examiner of vehicles is satisfied that the motor vehicle is roadworthy and that the chassis number or engine number of the motor vehicle has not been tampered with, obliterated, mutilated or altered, the testing station shall upon payment of the appropriate fee as determined by the MEC of the province concerned, or in the case where such testing station is not under the control of a registering authority, as determined by such testing station,*
- (a) *certify that the motor vehicle is roadworthy by-*
- (i) *in the case of a motor vehicle registered in the Republic, updating the particulars pertaining to such motor vehicle in the register of motor vehicles; or*
- (ii) *in the case of a motor vehicle not registered in the Republic, issuing the applicant with form CRW, as shown in Schedule 2; and*
- (b) *if the motor vehicle is registered in the Republic, advise the applicant that the motor vehicle is to be licensed.*

*Provided that in a case of a minibus, midibus or bus, first registered on or after 1 July 2012 operating for reward, the examiner of motor vehicles shall, before certifying such motor vehicle as roadworthy as contemplated in regulation 139 (c), request a duly completed form VDSCD by an approved fitment centre as shown in Schedule 2.*

- (3) (a) *If the chassis number or engine number of the motor vehicle referred to in subregulation (2) has, in the opinion of the examiner of vehicles, been tampered with, obliterated, mutilated or altered, the applicant referred to in subregulation (1) shall submit a South African Police Service clearance in respect of such vehicle.*
- (b) *Upon submission of the South African Police Service clearance, the testing station shall, if satisfied that the motor vehicle is roadworthy, certify the motor vehicle as roadworthy as contemplated in subregulation (2).*

- (4) *If the examiner of vehicles is not satisfied that the motor vehicle is road worthy, such examiner may allow the applicant to have one retest for such motor vehicle, within a period fixed by him or her, but not exceeding 14 days after the date of such examination and testing, to remedy any defect in such vehicle, and if such examiner of vehicles is thereafter so satisfied, he or she shall act in terms of subregulation (2).*
- (5) *Notwithstanding the provisions of subregulation (2), an examiner of vehicles authorised thereto in writing by the testing station concerned may, at any time before the motor vehicle, which is being or has been examined and tested for roadworthiness, is returned to the applicant, examine or re-examine such motor vehicle, and for that purpose—*
  - (a) *he or she shall be deemed to be the examiner of vehicles referred to in that subregulation; and*
  - (b) *any prior action taken by an examiner of vehicles in respect of such motor vehicle shall be deemed to be of no force and effect.*
- (6) *No person shall wilfully or negligently certify that a motor vehicle is roadworthy if such motor vehicle is not roadworthy.*
- (7) *If a person wilfully or negligently certifies that a motor vehicle is roadworthy when such motor vehicle is not roadworthy, such certification shall be null and void.*
- (8) *No person shall remove, replace or alter the components of a motor vehicle so that the roadworthiness of such motor vehicle is affected if such motor vehicle was certified to be roadworthy, except in the normal course of maintenance or use thereof.*

***Certain classes of motor vehicles requiring roadworthy certificates***

**Reg 142.** (1) *A roadworthy certificate shall be required for—*

- (a) *a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;*
  - (b) *a breakdown vehicle;*
  - (bA) *a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274: Provided that this provision shall become effective to motor vehicles with a gross vehicle mass of 3 500 kilograms and under, as from 1 December 2001;*
  - (c) *a bus;*
  - (d) *a minibus—*
    - (i) *the gross vehicle mass of which exceeds 3 500 kilograms; or*
    - (ii) *which is designed or adapted for the conveyance of 12 or more persons, including the driver; or*
  - (e) *a motor vehicle used for the conveyance of persons for reward.*
- (2) *The provisions of subregulation (1) shall not apply to a—*
- (a) *motor vehicle referred to in regulation 138(2)(c) or a trailer drawn by a tractor.*
  - (b) *motor vehicle which is operated under the authority of a motor trade number, special permit or temporary permit;*
  - (c) *hearse; or*
  - (d) *motor vehicle owned by the South African Police Service or South African National Defence Force and is designed for combat support and by virtue of such design, does not comply with the provisions of Parts II, III, and IV of Chapter VI.*

### ***Issue of roadworthy certificate***

- Reg 143.** (1) *On receipt of an application for the licensing of the motor vehicle referred to in regulation 142, the registering authority shall, if satisfied that a licence disc may be issued in respect of the motor vehicle concerned, issue a roadworthy certificate on form MVL1 as referred to in regulation 25(2)(e) in respect of such motor vehicle.*
- (2) *Subject to section 42(5) of the Act, in the case of a motor vehicle which is not registered in the Republic, form CRW as shown in Schedule 2 issued in terms of regulation 141(2)(b) shall be deemed to be a roadworthy certificate for a period of 12 months from the date of issue thereof.*

### ***Voidness of roadworthy certificate***

- Reg 144.** (1) *Any roadworthy certificate issued contrary to the provisions of this Chapter shall be void.*
- (2) *A roadworthy certificate issued in respect of a motor vehicle shall become void where such motor vehicle is altered in such a manner that—*
- (a) *the roadworthy certificate no longer correctly describes such motor vehicle;*  
*or*  
*(b) such alteration affects the terms and conditions of such certificate.*
- (3) *Delete*
- (4) *Delete*
- (5) *Delete*
- (6) *Delete*
- (7) *The owner of a motor vehicle, shall upon notice that the roadworthy certificate in respect of such motor vehicle is void, immediately destroy the licence disc issued in respect of such motor vehicle and return form RTS and form CRW as shown in Schedule 2, if applicable, to the testing station concerned.*
- (8) *The testing station shall advise the registering authority in whose area of jurisdiction such testing station is situated that the roadworthy certificate is void and such registering authority may require a traffic officer or an inspector of licences to locate and inspect the motor vehicle concerned to ensure that the licence disc issued in respect of such motor vehicle has been destroyed.*

### ***Period of validity of roadworthy certificate***

- Reg 145.** (1) *The roadworthy certificate issued in respect of a motor vehicle contemplated in regulation 142(1), shall be valid from the date of issue thereof until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22.*

*Provided that in the case of a bus of which the licence expires after 30 November 2010 the period of validity of the roadworthy certificate shall be six months.*

- (2) *Notwithstanding anything to the contrary contained in these Regulations, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date on which liability for the licensing of such motor vehicle arose in terms of regulation 23(1), be operated on a public road while the licence number allocated*

*to such motor vehicle and the licence disc and roadworthy certificate issued in respect of such motor vehicle prior to the date on which the motor vehicle licence and licence disc and roadworthy certificate became null and void, are displayed in the manner contemplated in regulations 35 and 36.*

***Provisions of Act to prevail***

**Reg 146.** *In the event of any conflict between the conditions of a roadworthy certificate and any provision of the Act, the latter shall prevail.*

**Sec 44. Notice to discontinue operation of motor vehicle**

- (1) If a motor vehicle is not roadworthy a traffic officer or an examiner of vehicles may, by notice in the prescribed form served on the driver, owner or operator of such vehicle, direct that such vehicle shall not be operated on a public road or that such vehicle shall only be operated on the prescribed conditions.
- (2) The manner in which and circumstances under which the traffic officer or examiner of vehicles may issue a notice referred to in subsection (1), and the further steps which shall or may be taken in respect of the vehicle concerned, shall be as prescribed.

***Notice in terms of section 3F (a) or section 3I (a) of Act to direct that motor vehicle be taken to testing station***

**Reg 147.***(1) An inspector of licences or a traffic officer may in terms of section 3F (a) or section 3I (a) of the Act, respectively, issue a notice on form DVT as shown in Schedule 2 to direct that a motor vehicle be produced at a testing station for inspection, examination or testing.*

*(2) The said notice shall—*

- (a) specify the testing station to which the vehicle shall be taken, but the testing station shall either be under the control of a registering authority, or shall not be under such control, whichever the person to whom the notice is issued, prefers; and*
- (b) indicate the period within which the vehicle shall be taken to the testing station, but such period shall not exceed 14 days.*
- (3) The inspector of licences or traffic officer concerned shall ensure that the particulars of the motor vehicle concerned is updated in the register of motor vehicles to the effect that a notice has been issued in terms of this regulation with respect to the vehicle and that the inspector or officer is of the opinion that the vehicle does not comply with the requirements for certification of roadworthiness.*
- (4) The inspector of licences or traffic officer concerned shall forward a copy of the notice to the testing station referred to in subregulation (2) (a).*
- (5) The motor vehicle concerned shall be taken, accompanied by the notice, to the said testing station within the period referred to in subregulation (2) (b) to have that notice revoked.*
- (6) The examiner of vehicles at the said testing station shall inspect, examine or test the vehicle free of charge, and shall—*
  - (a) if the vehicle is found to be unroadworthy, destroy the licence disc or licence and roadworthy certificate disc in force in respect of such vehicle, complete the notice or a copy of it, and return it to the traffic officer or inspector of licences; or*

- (b) *if the vehicle is found to be roadworthy, cancel the notice and notify the traffic officer or inspector of licences accordingly.*
- (7) *The traffic officer or inspector of licences shall ensure that the particulars of the motor vehicle is updated in the register of motor vehicles to the effect—*
  - (a) *where subregulation (6) (a) applies, or if no reaction has been received with respect to the notice for a period of 35 days from the date of issue of it, that the motor vehicle is unroadworthy; or*
  - (b) *where subregulation (6) (b) applies, that the notice issued in terms of section 3F (a) or section 3I (a) of the Act, has been cancelled.*

***Notice in terms of section 44 of Act to discontinue operation of motor vehicle***

- Reg 148.** (1) *A traffic officer, or examiner of vehicles acting in conjunction with a traffic officer, may in terms of section 44 of the Act issue a notice on form NTD as shown in Schedule 2, to direct that a vehicle shall not be operated on a public road or only be operated on a public road upon the conditions prescribed in subregulation (2), in which event he or she shall remove and destroy the licence disc or licence and roadworthy certificate disc of the motor vehicle.*
- (2) *The said notice may contain conditions to the effect that the vehicle may be operated on a public road for a specified period, which may not exceed 14 days, subject to limitations with respect to speed, route or any other limitation determined by the traffic officer, or examiner of vehicles acting in conjunction with a traffic officer.*
- (3) *The traffic officer, or examiner of vehicles acting in conjunction with a traffic officer, shall ensure that the particulars of the vehicle concerned is updated in the register of motor vehicles to the effect that a notice in terms of section 44 of the Act has been issued with respect to the vehicle, that the vehicle may not be operated on a public road and that the vehicle does not comply with the requirements for certification of roadworthiness.*
- (4) *The motor vehicle concerned shall be taken to a testing station where the vehicle shall be dealt with in the manner contemplated in regulations 139, 140 and 141.*

## CHAPTER VI

### OPERATOR FITNESS

#### **Sec 45. Registration of operator**

- (1)
  - (a) Subject to paragraph (b), the owner of a motor vehicle of a prescribed class is the operator thereof, and shall, upon licensing thereof, be registered as such in the prescribed manner and on the prescribed conditions.
  - (b) Notwithstanding the provisions of paragraph (a), a person who is not a manager, employee or agent of the owner of a motor vehicle referred to in that paragraph and who enters into a written agreement providing that such motor vehicle may be operated by such person for any period, shall for the purposes of section 49 (c), (d), (e), (f) and (g) be deemed to be the operator thereof for that period.
- (2) The registering authority concerned shall in such circumstances as the chief executive officer may determine, submit the particulars of the operator to the chief executive officer concerned within seven days after registration of such operator.
- (3) The registering authority may issue a temporary operator card to the operator under the circumstances, in the manner and on the conditions prescribed.
- (4)
  - (a) The chief executive officer shall, if satisfied that an operator card should be issued to the operator, notify the registering authority concerned accordingly.
  - (b) The registering authority referred to in paragraph (a) shall in the prescribed manner issue the operator with an operator card.
- (5) If the chief executive officer is not satisfied that the operator should be issued with an operator card, he or she shall notify the operator in the prescribed manner as contemplated in section 50 (3) (d).
- (6) The Minister may by regulation exempt any operator or category of operators from any provision of this Act.

#### ***Classes of motor vehicles in respect of which operator to be registered***

#### **Reg 265. (1) An operator shall be registered in respect of a -**

- (a) *goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;*
- (b) *breakdown vehicle;*
- (c) *motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274;*
- (d) *bus;*
- (e) *midibus;*
- (f) *mini-bus -*
  - (i) *the gross vehicle mass of which exceeds 3 500 kilograms; or*
  - (ii) *which is designed or adapted for the conveyance of 12 or more persons, including the driver; and*

- (g) *motor vehicle used for the conveyance of persons for reward, registered in the Republic.*
- (2) *The provisions of subregulation (1) shall not apply to a motor vehicle referred to in subregulation (1) that is—*
  - (a) *owned by the Department of Defence;*
  - (b) *operated on a public road under the authority of a temporary or special permit, motor trade number, motor dealer's licence or a motor transport licence, as the case may be;*
  - (c) *not operated on a public road, and for the purpose of this paragraph the words "operated on a public road" shall not be construed to include the presence of such motor vehicle on a public road for the purpose of—*
    - (i) *being driven to the premises of the owner in order to take delivery thereof;*
    - (ii) *crossing a public road from one premises of the owner to another, over a distance of not more than one kilometre;*
    - (iii) *proceeding to or from a place where repairs are to be or have been effected to such motor vehicle;*
  - (d) *a trailer drawn by a tractor;*
  - (e) *a motor vehicle referred to in regulation 21(1) or 21(5).*

***Categories of, and authority conveyed by, operator card***

**Reg 266.** (1) *The categories of operator cards and the authority conveyed thereby are:*

- (a) *Category "G", which authorises the operation of a goods vehicle, the gross ehicle mass of which exceeds 3 500 kilograms and a breakdown vehicle, on a public road;*
- (b) *Category "D", which authorises the operation of a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274, on a public road; and*
- (c) *Category "P", which authorises the operation of a bus, a midibus, a mini-bus the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus which is designed or adapted for the conveyance of 12 or more persons, including the driver or a motor vehicle used for the conveyance of persons for reward, on a public road.*

**Sec 46. Issue of operator card**

- (1) The registering authority shall, in respect of every motor vehicle contemplated in section 45, issue an operator card in the prescribed manner: Provided that where any operator card of a specific operator is suspended, the registering authority shall not issue any new operator card to such operator until the period of suspension has expired.
- (2) The categories, period of validity, form and contents of an operator card shall be as prescribed.

- (3) Any document issued by a competent authority in any prescribed territory or a foreign state and serving in such territory or state a purpose similar to that of an operator card shall, subject to the conditions thereof and to the prescribed conditions, be deemed to be in operator card for the purpose of subsection (1).
- (4) Where any circumstance arises in relation to the holder of an operator card contemplated in subsection (3) which would have empowered the chief executive officer to act under section 50 if such card was issued in the Republic, the chief executive officer may inform such holder that such card is of no force within the Republic, and as from the date on which such person is so informed, such card shall cease to be in force within the Republic.

***Manner of registration of operator, issue of operator card and period of validity of operator card***

- Reg 267.** (1) *The registering authority concerned shall register the owner of a motor vehicle contemplated in regulation 265 as operator of that vehicle upon application for the licensing of the vehicle concerned.*
- (2) *The registering authority effects the registration of an owner as operator of a motor vehicle by licensing the motor vehicle in the manner prescribed in regulation 25, but—*
- (a) *the motor vehicle licence, licence and roadworthy certificate disc and operator card shall be issued on form LCO as shown in Schedule 2;*
  - (b) *the owner shall, upon receipt of form LCO, destroy any previous operator cards held by him or her with respect to the motor vehicle concerned.*
- (3) *If the registering authority is required to submit the particulars of an operator to the chief executive officer as contemplated in section 45(2) of the Act, such registering authority may, subject to the provisions of regulation 269, issue the operator with a temporary operator card as contemplated in section 45(3) of the Act on form OP2 as shown in Schedule 2, in the case where the operator is not already in possession of an operator card with respect to the motor vehicle concerned.*
- (4) *Upon receipt of the particulars of the operator as contemplated in section 45(2) of the Act, the chief executive officer shall—*
- (a) *examine the record of the operator referred to in section 50(3) of the Act;*
  - (b) *determine whether his or her operator card is suspended.*
- (5) *If the record of the operator indicates that such operator does not comply with the provisions of the Act, the chief executive officer shall notify the operator in terms of section 50(3)(d) of the Act.*
- (6) (a) *The registering authority shall upon receipt of the notification contemplated in section 45(4)(a) of the Act, issue him or her with an operator card on form OP3 as shown in Schedule 2.*
- (b) *The operator shall destroy any other previous operator card or temporary operator card issued in respect of the vehicle concerned upon receipt of the operator card.*



- (c) *The counterfoil of the operator card shall be kept at the business address of the operator.*
- (7) *An operator card issued in respect of a motor vehicle shall be valid from the date of issue thereof, until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22, but the motor vehicle may be operated on a public road for a period of 21 days after the said expiry date.*

#### ***Application for and issue of duplicate operator card***

**Reg 268.** *Application for a duplicate operator card can be made upon application for licensing of the vehicle concerned as contemplated in regulation 24.*

#### ***Conditions under which temporary operator card issued***

**Reg 269.** *A temporary operator card shall be—*

- (a) *deemed to be an operator card for the period referred to in paragraph (b);*
- (b) *valid for a period of three months from the date of issue, or up and until the decision of the chief executive officer is made known to the operator in terms of regulation 267(5), or up and until the operator is issued with an operator card in terms of regulation 267(6), whichever date is the earliest;*
- (c) *re-issued only by the registering authority that issued such card: Provided that in the event of the decision of the chief executive officer in relation to the operator card of an operator not yet being available, a new temporary operator card shall be issued free of charge; and*
- (d) *if it was not destroyed upon receipt of the operator card, surrendered to the registering authority concerned with the counterfoil thereof within 21 days after an operator card for the motor vehicle concerned was received by the operator.*

#### ***Change of particulars***

- Reg 270.** (1) *The registering authority shall, upon receipt of a notice in terms of section 49(a) of the Act update the register of operators accordingly.*
- (2) *If a new operator card is required, such card may be issued subject to subregulation (3), upon payment of the fee determined by the MEC of the province concerned.*
- (3) *If a new operator card is required due to the change of address of the operator or to the change of the allocated licence number of the motor vehicles or motor vehicle of an operator under regulation 29, such card may be issued upon payment of the fee as determined by the MEC of the province concerned.*

#### ***Procedure in case of suspension***

- Reg 271.** (1) *If the chief executive officer suspends an operator card in terms of section 50 of the Act, he or she shall—*

- (a) *use form OP6 as shown in Schedule 2, to notify the operator concerned;*
  - (b) *notify the registering authority referred to in regulation 267(1); and*
  - (c) *require a traffic officer or an inspector of licences to locate and inspect the motor vehicle concerned to ensure that the operator card has been destroyed.*
- (2) *The operator shall, upon receipt of a notice of suspension in terms of section 50 of the Act, immediately destroy the operator card and return the counterfoil of such card within seven days to the registering authority referred to in subregulation (1).*
  - (3) *The registering authority shall after receipt of the counterfoil referred to in subregulation (2), keep such counterfoil in the manner and for the period as determined by the chief executive officer.*

**Sec 47. Operator card to be displayed on motor vehicle**

No person shall operate a motor vehicle of any class contemplated in section 45 (1) on a public road unless a valid operator card is displayed on such motor vehicle in the prescribed manner.

***Manner in which operator card to be displayed on motor vehicle***

**Reg 272.** *An operator card shall be displayed—*

- (a) *if the motor vehicle is fitted with a transparent windscreen in front, by affixing such operator card in an upright position on the inside of the windscreen in such a manner that the print on the face of the operator card is clearly legible from the outside to a person standing in front or to the left front of such motor vehicle; or*
- (b) *if the motor vehicle is not fitted with a transparent windscreen in front, by affixing such operator card—*
  - (i) *in a conspicuous position on the left side of the vehicle in such a manner that the print on the face of such operator card is clearly legible from that side; and*
  - (ii) *if such operator card is exposed to the weather, on the inside of the transparent front of a durable watertight holder, for protection.*

**Sec 48. Proof of certain facts**

- (1) If in any prosecution the question arises as to who the operator of a motor vehicle is or was, an imprint or a copy of or an extract from an operator card certified by a peace officer, or a person authorised thereto by a registering authority, to be true, shall, upon production thereof, be *prima facie* proof that the person whose name appears as operator on such card, is or was the operator of such vehicle at the time in question.
- (2) No person shall in terms of subsection (1) certify any imprint, copy or extract to be true, knowing that it is not a true imprint, copy or extract.

**Sec 49. Duties of operator**

The operator of a motor vehicle shall—

- (a) notify the registering authority concerned within seven days of any change in the circumstances in relation to his or her registration as the operator of such vehicle and return the operator card in respect of that motor vehicle to that registering authority;
- (b) keep safe and protect from theft an operator card issued to him or her and, if any such card is lost, stolen or destroyed, he or she shall notify the nearest police station within 24 hours and the registering authority within whose area the holder is ordinarily resident within seven days after having become aware of such loss, theft or destruction or after it could reasonably be expected that he or she should have been aware of such loss, theft or destruction, whichever event occurred first;
- (c) exercise proper control over the driver of such motor vehicle to ensure the compliance by such driver with all the relevant provisions of this Act, in particular the provisions regarding—
  - (i) the requirements in respect of the professional driving permit referred to in section 32; and
  - (ii) the loading of such vehicle as prescribed by or under this Act;
- (d) ensure that such motor vehicle complies with the fitness requirements contemplated in Chapter V;
- (e) conduct his or her operations with due care to the safety of the public;
- (f) if dangerous goods or substances are conveyed, ensure that all requirements for the conveyance of such goods or substances, as prescribed in—
  - (i) any other law in relation to such goods or substances; and
  - (ii) this Act,
 are complied with; and
- (g) take all reasonable measures to ensure that such motor vehicle is operated on a public road in compliance with the provisions for the loading and transportation of goods as prescribed by or under this Act.

**Sec 50. Power of chief executive officer in respect of motor vehicles, drivers and activities of operators**

- (1) The chief executive officer concerned may, on account of any evidence regarding the state of fitness of a motor vehicle in respect of which an operator is registered, produced to him or her in accordance with subsection (4), by written notice—
  - (a) notify such operator that such motor vehicle is suspected of being unroadworthy and that the operator should forthwith take adequate steps to ensure its continued roadworthiness in accordance with Chapter V;
  - (b) require from such operator to indicate in writing what precautions he or she has taken to ensure the continued roadworthiness of such motor vehicle in accordance with Chapter V;
  - (c) direct such operator to produce such motor vehicle for inspection, examination or testing at a time and place specified in such notice; and
  - (d) suspend the operator card issued in respect of such motor vehicle, if such motor vehicle has been examined or tested under paragraph (c) and found to be unroadworthy in terms of Chapter V, for such period as such motor vehicle is so unroadworthy.
- (2) The chief executive officer concerned may, on account of the record of a driver of a motor vehicle in respect of which an operator is registered, by written notice—

- (a) inform such operator that it is suspected that he or she does not exercise proper control over the driver under his or her authority as required by section 49;
  - (b) require such operator to indicate in writing what precautions he or she has taken in order to ensure proper control over drivers under his or her authority;
  - (c) require such operator to produce for examination the records regarding drivers which an operator is required to keep in terms of this Act; and
  - (d) direct that the driver concerned be retested in terms of section 25.
- (3) The chief executive officer concerned may, if the record of an operator indicates that such operator does not comply with the provisions of this Act, by written notice—
- (a) direct such operator to carry out his or her duties in terms of section 49 properly;
  - (b) appoint a person whom he or she deems fit, to investigate the activities or specific activities of such operator and direct the person so appointed to make a written recommendation to him or her regarding what measures should be taken in respect of such operator;
  - (c) direct such operator to appear before him or her or before any other person appointed by him or her, in order to furnish reasons for his or her failure to carry out his or her duties in terms of section 49; and
  - (d) notify such operator—
    - (i) that an operator card shall only be issued to him or her on such conditions as the chief executive officer may deem fit;
    - (ii) that no further operator card shall be issued to him or her for such period as the chief executive officer may specify in the notice; or
    - (iii) that the operator card or cards relating to such motor vehicle or vehicles as the chief executive officer may determine in respect of which he or she is registered as the operator is or are suspended until that chief executive officer is satisfied that the grounds for the suspension have lapsed:

Provided that—

    - (aa) the period of any suspension under subparagraph (iii) shall not exceed 12 months;
    - (bb) any decision by the chief executive officer under this paragraph shall only be taken on the basis of a recommendation by a person appointed under paragraph (b);
    - (cc) the chief executive officer shall, within 21 days after the date of the notice, in writing furnish such operator with the reasons for his or her decision.
- (4) The chief executive officer concerned may, in the exercise of his or her powers under this section—
- (a) require any operator, subject to any lawful objection, to make discovery of documents by way of affidavit or by answering interrogatories on oath and to produce such documents for inspection;

- (b) require any operator to allow inspection of any records and documents required to be kept by the operator in terms of this Act;
- (c) appoint a commission to take the evidence of any person in the Republic or in a prescribed territory or in a foreign state and to forward such evidence to him or her in the same manner as if the commission were a commissioner appointed by a court; and
- (d) at any time require that an inquiry be instituted into the operational activities of an operator by a person appointed by him or her for that purpose and, if such operator is a company, also into those of any other company in a group of companies to which the operator belongs or of which the operator is the controlling company.

**Sec 51. Act or omission of manager, agent or employee of operator**

- (1) Whenever any manager, agent or employee of an operator commits or omits an act which would have constituted an offence in terms of this Act if the operator had committed or omitted such act, that operator shall, in the absence of evidence—
  - (a) that he or she did not connive at or permit such act or omission;
  - (b) that he or she took all reasonable measures to prevent an act or omission of the nature concerned; and
  - (c) that an act or omission of the nature of the act or omission charged did not fall within the scope of the authority of or the course of the employment as such manager, agent or employee,
 be deemed himself or herself to have committed or omitted that act and be liable to be convicted and sentenced in respect thereof.
- (2) Whenever any manager, agent or employee of an operator commits or omits any act which would have constituted an offence in terms of this Act if such operator had committed or omitted it, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such operator.

## **CHAPTER VI A: RIGHT OF APPEAL**

### **Sec 51A. Right of appeal to Shareholders Committee**

- (1) Any person, department of State or registering authority who or which is aggrieved—
  - (a) at the refusal of the chief executive officer to register him or her in any capacity referred to in section 3C, or as an instructor;
  - (b) at any decision of the chief executive officer regarding the activities of an operator, the refusal of the chief executive officer to have an operator card issued to an operator or the suspension or cancellation of such operator card;
  - (c) at the refusal of the inspectorate of driving licence testing centres or the inspectorate of testing stations to register a driving licence testing centre or a testing station, respectively; or
  - (d) at the suspension or cancellation of any such registration, may within 21 days after such refusal, suspension, cancellation or decision, in writing lodge an appeal with the Shareholders Committee against such refusal, suspension, cancellation or decision, and such person, department of State or registering authority shall at the same time serve a copy of the appeal on the chief executive officer, inspectorate of driving licence testing centres or inspectorate of testing stations, as the case may be.
- (2) After receipt of the copy of appeal referred to in subsection (1), the chief executive officer, the inspectorate of driving licence testing centres or inspectorate of testing stations, as the case may be, shall forthwith furnish the Shareholders Committee with his, her or its reasons for the refusal, suspension, cancellation or decision, to which the appeal refers.
- (3) The Shareholders Committee may after considering an appeal under subsection (1) give the decision it deems fit.
- (4) An appeal referred to in subsection (1) shall include an appeal against any refusal, suspension, cancellation or decision of the chief executive officer taken in terms of the laws of any province.

### **Sec 51B. Right of appeal to chief executive officer**

- (1) Any person who is aggrieved at the refusal of an examiner for driving licences to issue or authorise the issue to him or her of a learner's or driving licence, may, within 21 days after such refusal, in writing appeal to the chief executive officer, and such person shall at the same time serve a copy of the appeal on the examiner concerned.
- (2) Any person who is aggrieved at the refusal of an examiner of vehicles or a testing station to issue certification of roadworthiness in respect of a motor vehicle or to authorise the issue of such certification to him or her, or at the conditions subject to which such certification was issued to him or her, may, within 21 days after such refusal or after the issue of certification subject to the conditions concerned, in writing appeal against any such refusal or conditions concerned to the chief executive officer, and such person shall at the same time serve a copy of the appeal on the examiner or the testing station.
- (3) After receipt of the copy of appeal referred to in subsection (1) or (2), the examiner for driving licences or the examiner of vehicles or the testing station, as the case may be, shall forthwith furnish the chief executive officer with his or her reasons for the decision to which such appeal refers.
- (4) For the purpose of deciding an appeal under subsection (1), the chief executive officer may nominate any person to examine and test the appellant as to his or her competency to drive the class of motor vehicle concerned and may in addition require each party to the appeal to furnish such information and evidence as he or she deems expedient.

- (5) For the purpose of deciding an appeal under subsection (2), the chief executive officer may—
- (a) where the appeal concerns a certification of roadworthiness, cause the motor vehicle concerned to be examined and tested by an examiner of vehicles nominated by him or her; and
  - (b) require each party to the appeal to furnish such information and evidence as he or she deems necessary.
- (6) The chief executive officer may after considering the appeal give such decision as he or she deems fit.
- (7) An appeal referred to in subsections (1) and (2), shall include an appeal against any refusal, suspension, cancellation or decision in terms of the laws of any province.

## **CHAPTER VII**

### **ROAD SAFETY**

#### **Sec 52. Powers and functions of Director-General**

- (1) The Director-general may—
  - (a) prepare a comprehensive research programme to effect road safety in the Republic, carry it out systematically and assign research projects to persons who, in his or her opinion, are best equipped to carry them out;
  - (b) give guidance regarding road safety in the Republic by means of the organising of national congresses, symposiums, summer schools and study weeks, by means of mass-communication media and in any other manner deemed fit by the Director-General.
- (2) In order to perform his or her functions properly the Director-General may—
  - (a) finance research in connection with road safety in the Republic;
  - (b) publish a periodical to promote road safety in the Republic, and pay fees for matters inserted therein;
  - (c) give guidance to associations or bodies working towards the promotion of road safety in the Republic;
  - (d) organise national congresses, symposiums, summer schools and study weeks and, if necessary, pay the costs therefor, and remunerate persons performing thereat;
  - (e) with a view to promoting road safety in the national sphere, publish advertisements in the mass-communication media.
- (3) The Director-General shall exercise his or her powers and perform his or her functions subject to the control and directions of the Minister.

#### **Sec 53. Delegation by chief executive officer**

- (1) The chief executive officer may, subject to such conditions as he or she may deem necessary—
  - (a) delegate to an officer employed by the Department any power conferred upon him or her by section 52; or
  - (b) authorise an officer employed by the Department to carry out any duty assigned to him or her by section 52.
- (2) Any person to whom any power has been so delegated or who has been so authorised to carry out any duty shall exercise that power or carry out that duty subject to the directions of the chief executive officer, and the chief executive officer may at any time revoke such delegation or authorisation.
- (3) Any delegation or authorisation under subsection (1) shall not prevent the chief executive officer from exercising that power or carrying out that duty himself or herself.



## CHAPTER VIII DANGEROUS GOODS

### Sec 54. Transportation of certain dangerous goods prohibited

No person shall, except as prescribed, offer for transportation in a vehicle, or transport in a vehicle, or accept after transportation in, on or by a vehicle, any prescribed dangerous goods.

### Appointment of dangerous goods inspector or inspectorate

- Sec 55.** (1) (a) The Minister may appoint a person, an authority or a body as a dangerous goods inspector or inspectorate.
- (b) The training and qualifications of a person appointed under paragraph (a) shall be as prescribed, and an authority or body shall have the services of persons with the prescribed training and qualifications at its disposal before that authority or body is so appointed.
- (2) The powers and duties of the inspector or inspectorate contemplated in subsection (1) (a) in relation to the transportation of prescribed dangerous goods shall be as prescribed.
- (3) The Minister may, in order to defray the expenditure incurred by or on behalf of that inspector or inspectorate for the purposes of performing his, her or its functions, prescribe fees to be paid in respect of inspections carried out by him, her or it in terms of this Act.

### THE TRANSPORTATION OF DANGEROUS GOODS AND SUBSTANCES BY ROAD

#### TRANSPORTATION OF DANGEROUS GOODS Regulation 273

*[Government Gazette No: 30763, Notice number 154,  
dated 8 February 2008]*

#### INCORPORATION OF STANDARDS SPECIFICATION INTO THE NATIONAL ROAD TRAFFIC REGULATION

The Minister of Transport (Jeffrey Thamsanqa Radebe), acting in terms of section 76 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) re-incorporate SANS 10231-2006 into the National Road Traffic Regulation, 2000. 01 July 2007 is determined as the date of incorporation.

### Definitions

**Reg 273.** For the purposes of this Chapter—

*“competent authority” means the competent authority listed in supplement 1 of the code of practice SABS 0229 “Packaging of dangerous goods for road and rail transportation in South Africa”;*

*“consignor” means the person who offers dangerous goods for transport in a vehicle referred to in regulation 274(1), and includes the manufacturer or his or her agent, duly appointed as such;*

*“consignee” means the person who accepts dangerous goods which have been transported*

in a vehicle referred to in regulation 274(1);

**“dangerous goods inspector”** means a person appointed as such under section 55 of the Act;

**“emergency action response system”** means a system designed to enable emergency crews arriving on the scene of an incident to determine, from coded placarding on the vehicle, or failing that, from the Tremcard or manifest, the identity of the cargo carried, the nature of the hazard presented and the emergency action to be taken to neutralise the danger, and is as prescribed in code of practice SABS 0232-1 “Transportation of dangerous goods - Emergency information systems”, Part 1: “Emergency information system for road transportation” and code of practice SABS 0232-3 “Transportation of dangerous goods - Emergency information systems”, Part 3: “Emergency action codes”;

**“exempt quantities”** means those quantities that are exempt in accordance with code of practice SABS 0232-1 “Transportation of Dangerous Goods - Emergency information systems”;

**“incident”** means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage of dangerous goods or risk thereof;

**“multiload”** means more than one type or hazard class of dangerous goods or substances carried together;

**“premises”** means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle;

**“qualified person”** means a person trained to perform any specific task, nominated by the operator, consignor or consignee under regulation 277; and

**“Tremcard”** means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

**“Transport emergency card”** means a card which can either be generated from the European Council of Chemical Manufacturers' Federation system, or in accordance with SANS 10232-4, listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

### ***Incorporation of standards***

**Reg 273A.** Standard specifications SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” and SABS 1518 “Transportation of dangerous goods - design requirements for road tankers”, and codes of practice SABS 0228 “The identification and classification of dangerous substances and goods”, SABS 0229 “Packaging of dangerous goods for road and rail transportation in South Africa”, SABS 0230 “Transportation of dangerous goods - Inspection requirements for road vehicles”, SABS 0231 “Transportation of dangerous goods - Operational requirements for road vehicles”, SABS 0232-1 “Transportation of dangerous goods -Emergency information systems”, Part 1: Emergency information system for road transportation”, SABS 0232-3 “Transportation of dangerous goods -Emergency

*information systems”, Part 3: “Emergency action codes” and SABS 0233 “Intermediate bulk containers for dangerous substances” is incorporated into these regulations by notice published by the Minister in the Gazette;*

<b>INDEX DANGEROUS GOODS SPECIFICATIONS</b>		
(for latest list check with South African Bureau of Standards)		
<b>SANS No.</b>	<b>SANS Name</b>	<b>Other</b>
<b>SANS 1518:2005</b>	Transport of dangerous goods - Design requirements for road vehicles and portable tanks	Replaces SANS 1518-1:2004; SANS 1518-2:2004, SANS 1518-3:2002/ SABS 1518-3:2002
<b>SANS 10228:2003</b>	The identification and classification of dangerous goods for transport	Replaces (SABS 0228:2003)
<b>SANS 10229-1:2005</b>	Transport of dangerous goods - Packaging and large packaging for road and rail transport Part 1: Packaging	Replaces SANS 10229:1996/SABS 0229:1996; SANS 1560:1992/SABS 1560:1992
<b>SANS 10231:2006</b>	Transport of dangerous goods - Operational requirements for road vehicles	Replaces SANS 10230:1997/SABS 0230:1996; SANS 10231:2003/SABS 0231:2003
<b>SANS 10232-1:2000</b>	Transport of dangerous goods - Emergency information systems Part 1: Emergency information system for road transport 1 National Amendment 2001-10-05 2 National Amendment 2002-03-01 3 National Amendment 2003-08-29	Replaces SANS 10232-1:1995/SABS 0232-1:1996
<b>SANS 10232-2:1997</b>	Transportation of dangerous goods - Emergency information systems Part 2: Emergency information system for rail transportation	Replaces SANS 10232-1:1995/SABS 0232-1:1995
<b>SANS 10232-3:2000</b>	Transportation of dangerous goods - Emergency information systems Part 3: Emergency response guides	Replaces SANS 10232-1:1995/SABS 0232-1:1995
<b>SANS 10232-4:2004</b>	Transport of dangerous goods - Emergency information systems Part 4: Transport emergency card	Replaces SANS 10232-1:1995/SABS 0232-1:1995
<b>SANS 10233:2001</b>	Transportation of dangerous goods - Intermediate bulk containers	Replaces SANS 10233-1992/SABS 0233:1992

### ***Application***

- Reg 274.** (1) *Subject to subregulation (2), this Chapter applies to all vehicles registered in the Republic, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which dangerous goods are transported, and to such dangerous goods.*
- (2) *These regulations do not apply in respect of dangerous goods which are transported in quantities which do not exceed the exempt quantities.*

### ***Other legislation applicable***

- Reg 274A.** *If a provision in this Chapter is in conflict with a provision of the Explosives Act, 1956 (Act No. 26 of 1956), the Nuclear Energy Act, 1993 (Act No. 131 of 1993), the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), the Mines and Works Act, 1956 (Act No. 27 of*

1956), the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the Hazardous Substances Act, 1973 (Act No. 15 of 1973), or the Fertiliser, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), the latter provision shall take precedence.

### ***Transportation of dangerous goods prohibited***

**Reg 275.** *No person shall operate on a public road any vehicle in or on which dangerous goods is transported, unless such dangerous goods is transported in accordance with this Chapter: Provided that—*

- (a) *dangerous goods which is required under this Chapter to be transported in a vehicle in respect of which standard specifications SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” or SABS 1518 “Transportation of dangerous goods - design requirements for road tankers”, apply—*
  - (i) *may be transported in such a vehicle from the date of commencement of these regulations; and*
  - (ii) *shall be so transported in accordance with the said appropriate code of practice if the vehicle in which the said dangerous goods is being transported was registered on or after 1 October 2001;*
- (b) *vehicles carrying dangerous goods in respect of which a placard is required to be fitted to such vehicle, may be fitted with, but shall after 1 January 2001 be fitted, with the appropriate placards prescribed in code of practice SABS 0232-1 “Transportation of dangerous goods -Emergency information systems”, Part 1: “Emergency information system for road transportation”.*

### ***Exemptions***

- Reg 276.** (1) *The Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the Gazette, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of this Chapter, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.*
- (2) *The dangerous goods listed in code of practice SABS 0232-1 “Transportation of Dangerous Goods - Emergency information systems” are exempt from the provisions of these Regulations with regard to quantity or in its entirety, or the quantities of a multiload as determined by the factor, as indicated in that Code of Practice, and for the purpose of the Act, one litre of a substance, is equal to one kilogram of a substance.*

### ***Duties of operator, driver, consignor and consignee***

- Reg 277.** (1) *The operator, driver, consignor and consignee shall, subject to any provision to the contrary contained in this Chapter, comply with the requirements with respect to the transportation of dangerous goods in or on a vehicle on a public road, as determined in the standard specifications and codes of practice referred to in regulation 273A.*
- (2) *The operator, consignor or consignee, as the case may be, shall nominate a qualified person in the circumstances and with respect to the tasks pertaining to the transportation of dangerous goods, as determined in the standard specifications*

*and codes of practice referred to in regulation 273A.*

- (3) *Subject to the provisions of subregulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.*

### ***Dangerous goods to be compatible***

**Reg 278.** *The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: "Emergency information system for road transportation".*

### ***Authority for classification and certification of dangerous goods***

- Reg 279.** (1) *If there is any doubt as to the appropriate classification of dangerous goods, such dangerous goods shall be classified by an approved classification authority in accordance with code of practice SABS 0228 "The identification and classification of dangerous substances and goods".*
- (2) *Dangerous goods shall be presented by the consignor for transportation packed in packaging that has been approved by an approved test station and by the approved certification authority and marked in the manner contemplated in code of practice SABS 0233 "Intermediate bulk containers for dangerous substances" and code of practice SABS 0229 "Packaging of dangerous goods for road and rail transportation in South Africa".*

#### **DRIVER TO UNDERGO TRAINING Regulations 280(1)**

The Minister of Transport (Jeffrey Thamsanqa Radebe), determined 1 July 2008 as the date on which drivers of Dangerous Goods vehicles who require a Professional Driving Permit, must undergo training at an approved Dangerous Goods Training Body.

*[Government Gazette No: 30763, Notice number 153,  
dated 8 February 2008]*

### ***Driver to undergo training***

- Reg 280.** (1) *An operator shall ensure that after a date to be determined by the Minister by notice in the Gazette, the drivers of the vehicles of which he or she is the operator that has to obtain a professional driving permit as referred to in regulation 115(1)(f), undergo training at an approved training body to comply with regulation 117(e).*
- (2) *Each approved training body shall submit a syllabus for the training of the drivers referred to in subregulation (1) to the Shareholders Committee for approval, and resubmit such syllabus for approval, within 90 days after relevant legislation or SABS specifications, influencing the training material, have been amended.*
- (3) *The syllabus for the training of drivers shall contain at least—*
- (a) *the interpretation and implementation of the instructions on a Tremcard;*
- (b) *general duties of the driver before proceeding on a route concerning, specifically, but not limited to, the condition of the vehicle, the documents to be kept in the*

vehicle, instructions regarding the route to be taken, warning signs and warning devices to be displayed or stored in the vehicle, the correct type and number of fire extinguishers to be fitted to the vehicle and protective clothing to be used;

- (c) general behaviour expected of the driver on the route, amongst other things, planning of stops for deliveries or checking of the tyres and vehicle, and procedure to be followed in the event of stops, periods of driving allowed, action to be taken in the event of an incident occurring;
  - (d) general procedure to be followed by the driver on reaching his or her destination; and
  - (e) general procedure to be followed when loading or offloading dangerous goods.
- (4) A training body referred to in subregulation (2) shall issue drivers with a certificate for the successful completion of training for purposes of regulation 117(e).
- (5) An operator shall ensure that a driver undergo theoretical and practical training at an approved training body for the specific class of dangerous goods that he or she shall be responsible for and practical training by an accredited body for the specific type of vehicle that he or she shall drive.

**APPROVED DANGEROUS GOODS TRAINING BODIES**  
**Regulations 280(1)**

The Minister of Transport (Jeffrey Thamsanqa Radebe), approved the following service providers as Dangerous Goods Training Bodies.

	Service Provider	Contact person	Contact details	Physical address
1	Hazchemwise (Pty) Ltd	Mr. William Goibaiyer	(011) 975 1278/ 1283	61 Rigger Road Spartan, <b>Kempton Park</b> , 1625
2	Africa Training Centre	Mr. Walter Mahadoo	(013) 201 8974	11 Bell Grove, Musgrave, <b>Durban</b> , 4001
3	Haztranz Training Centre	Mr. Russel Marais	(016) 341 6280/ 5	34 Marshall Street, Rensburg, <b>Heidelberg</b> , 1438
4	Makwedeng Training (Pty) Ltd	Ms SCP Henning	(013) 903 2807	Postnet Suite 2, <b>Amanzimtoti</b> , Durban, 4001
5	Phephani Learnerships cc	Mr Lucky Ndlovu	(011) 410 0040	No 1 Jacob Street Kagiso, <b>Krugersdorp</b> , 1740
6	Primeserv HR Solutions	MC Koortzen	(011) 472 1530	Cnr Main Reef and Dobsonville Roads, <b>Roodepoort</b> , 1743
7	DANTRAN cc	Mr Gavin Bromilow	(011) 346 0547	84 Queen Street Alexandra Road, <b>Lombardy East</b> , 2090
8	Agisanang Training and Development	Mr Jackie Mokone	(012) 320 8815/ 320 0692	Office 421 & 422 Apollo Building, 405 Church Street, <b>Pretoria</b> , 0001
9	Enigma Training & Services cc	Mr Johan Rudolph	(012) 804 0562	45 Mopani Avenue Val de Grace, <b>Pretoria</b> , 0184
10	Ikaheng HR Services (Pty) Ltd	Simphiwe Rasmeni	(011) 394 4141	55 Forge Road, Spartan, <b>Kempton Park</b> , 1601
11	Yes Yonke Environmental Solutions	Ms Chantal Gray	(013) 701 4420/ 709 3414	Unit 8,92 Compton Street, <b>Pinetown</b> , 3629
12	Unitrans Fuel & Chemical (Pty) Ltd	M Gordge	(011) 869 8400	Cnr Heidelberg & Rand Airport Road, <b>Tulisa Park</b> , 2197
13	He & She Driver Training Centre	Ms Elize Korf	(021) 931 8214	1 Duncan Road, <b>Beaconsfield</b> , 7500
14	Engen Petroleum Limited	Mr Fred Groenewald	(021) 403 4911	Engen Court Thibault Square, <b>Cape Town</b> , 8000
15	Tanker Services	Mr Greg Hill	(011) 821 6843	250 Barlow Street Industries West, <b>Germiston</b> , 1400
16	SA Training Services	Ms Anette Hoff	(011) 315 8932	216 Nupen Crescent, Palms Office Park, <b>Midlands</b> , 1685

**Schedule**

No	Service Provider	Contact Person	Contact details	Physical address
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1	Value Logistics	Mr Hennie Koch	(011)570-2106	49 Brewery Road Isando 1600
2	National Hazchem Training	Owen Geland	021 607 1907 083 324 3032	150 2nd Avenue Rondebosch East Cape Town 7780
3	The Skills Matrix	Elize Luscombe	(011)366-2116	45 Koedoe Street Birchleigh Kempton Park 1618
4	Zulaka Consulting	Zulaka De Waal	(083)442-7106	06 Bacher Crescent Pearl View Paarl 7646
5	AL Training	Allan Liston	(041)451-1741 (083)282-6630	Suite 148 Pick n Pay Commercial road Sidwell Port Elizabeth 6001
6	Transvaal Training	Steven Rademan	(011)975-7312	Old Sanlam Building, 2nd Floor Cnr Kempton Road and Margaret Avenue Kempton Park 1620
7	Indaba Training cc	Mr Gavin Futcher	(031)266-2806	27 Contance Cawston Road Westville Durban 3629
8	Breerivier Training	Marietjie Struwig	(044)690-4976 (082)215-4976	29 Daley Street Mosselbay 6506
9	BP South Africa (Pty)Ltd	Jeremy Cupido	(021)408-2175	BP Waterfront, Dock Road,Potswood Ridge Cape Town 8012
10	Haz-Train	Trevor Rossouw	(031)206-0390 (082)807-8417	600 A Umbilo Road Durban 4120
11	Fantique Driver Training Centre	S Naidoo	(031)409-1560 (083)358-3554	600 A Umbilo Road Durban

SCHEDULE				
No.	Service Provider	Contact person	Contact details	Physical address
1.	Alert Hazchem	Paul Lechoano	051 529 0277	17044, Bloemanda, Bloemfontein
2.	Specialized Training Service (STS)	Pierre du Toit	051 430 7317 082 903 8939	20 Hugenoot Street, Willows, Bloemfontein, 9320
3.	Transport Training Technologies	Max Boulogne	016 362 1159 082 412 6266	206 Sheffield Street, Wadeville
4.	EC Logistics	Eddie Crane	031 332 0928 011 613 4116/7 082 492 8355	Suite 218, 21st Floor, The Spinnaker Albert Terrace, Durban, 4069
5.	Siyashayela Training	Louwie Ngema	011 487 0505 072 830 9322	2A De La Rey Street, Observatory, Johannesburg, 2198
6.	Enviroserv	Michelle M Charlie	011 422 2560 079 895 3606	1 Brickfield Road, Meadodale Germiston, 2207
7.	Training Force 2nd	Jean Human	011 974 6633 082 880 9346	12 Diesel Road, Isando Johannesburg, 2000
8.	Tiespro	Tyrone Sebastian	012 804 0562 073 192 1939	45 Mopani Avenue, Val De Grace Pretoria, 0184
9.	Afrox	Kevin Naidoo	031 336 4100 084 4006 517	Afrox House, Training & Development Unit 23 Webber Street Selby, Johannesburg, 2201
10.	Learning Exchange	Daya Bramdaw	0861 436 436 082 442 3449	334 Equestrain Street Ruimsig, 1732
11.	Capital Driving School	Lucas Morake	012 542 3333 083 774 2087	Shop 28A, Daan De Wet Nel Rylaan Winternest Station, Square, Pretoria North
12.	Manaka Professional Driving	George Manaka	051 291 5921	9 Hans Van Ransburg Street, Polokwane, 0699
13.	ATL Mobility	Kevin van der Merwe	015 295 2957 084 812 3819	Annex 1A Saint Denis, 21 Dorp Street, Polokwane, 0699
14.	Pronto Services	Jimi Adams	086 110 6583	12 Manchester Road, New Germany, KwaZulu-Natal

15.	Freeway	M Govender	033 345 5668 083 548 5701 084 444 3443	557B Burger Street, Pietermaritzburg, KwaZulu Natal
16.	Dees Driver Training	Noel Pillay	031 202 0202 082 440 6585	62 Botanic Gardens Road, Musgrave, Durban, 4001
17.	Durban Driver Training Center	Robin Govender	031 309 5471 082 892 0298	123 Carlisle Street, Durban, 4001
18.	O H S Training	Gary Singh	0861 108 999 083 751 2444	44 Pyrenees Street, Shallcross, Queensburgh, Durban, 4093
19.	Wal Training	Wendy Hall	031 205 3387 082 906 3724	10 Rotterdam Road, Bayhead, Durban, KZN
20.	Spina Consultancy	Rooman Arif	021 534 2215 078 743 7183	39 Sipres Avenue, 7460 Thornton, Cape Town, 7450
21.	Vic Adams	Victor Adams	021 712 4005 083 338 3082	23 Toulon Avenue, Plumstead, Cape Town, 7800
22.	ITR Training Specialists	Joshua Ntuli	011 826 1349 082 308 8139	41 Jansen Road, Bantry Park, Jet Park, 1459

SCHEDULE				
No.	Service Provider	Contact person	Contact details	Physical address
1.	AK Progressive Training (Pty) Limited	Andrew Kunene	011 312 6634	748 Richards Drive, Elite Park, Block "D", Midrand
2.	Andebe Training and Skills Development Services cc	Annelie du Plessis	011 764 1986 082 872 2593	17Wilro View, Cnr Naboom and Rooibos Street, Wilropark, Roodepoort, 1724
3.	Ditelo Training Solution	Hamilton Mojapelo	078 450 4172	1 Ossewa Street, Cnr Modderfontein Road, Chlorokop, Kempton Park
4.	DJ Bosman Transport (Pty) Limited	Leon du Plessis	021 859 2608 083 325 1290	Industrial Area, 291 Industrial Road, Grabouw, 7160
5.	East Coast Professional Driver Training Academy cc	Ahmed Patel	041 481 5870 082 935 5979	31 Frolick Street, Bloemendal, Port Elizabeth, 6059
6.	Forklift Training Centre	Goutham Rajiv	031 463 3893 083 516 1052	17 Kent Road, Escombe, 4093
7.	Freightmax Training Academy	Bev Short	031 461 8012 082 300 0131	11 Milner Street, Jacobs, Durban 4052
8.	IKapa Commodities (Pty) Limited	Janet Buys	044 874 0957 083 385 0227	8 Nerina Avenue, Bergsig, George, 6539
9.	Lotavha Training Centre	Edward Mmbi	079 075 8663	Office No.3, Patterson Place, Cnr Mitchel and Maltzan Street, Pretoria West
10.	Natal Skills Training Centre	Gapaulsamy Vandayer	031 307 6446 083 950 5722	30 Abelia Road, Asherville, Durban, 4091
11.	Nyanto's Training and Transport	Abram Lekoma	013 661 1290 084 216 4167	61 John Voster Street, Sundra, Springs
12.	S A French Limited	Tilly Koortzen	011 975 4921/2 082 610 5071	56-58 Rigger Road, Spartan, Kempton Park, 1620
13.	TI Mohloane Trading and Projects	Thabiso Mohloana	073 367 0104	4081 Poto Street, Zone 12 Sebokeng, 1983
14.	Total Fleet Solutions	Bradley Pillay	033 386 2393 033 386 2394	81 Gladys Manzi (Murray) Road, Mkondeni, Pietermaritzburg



15.	Uthingo Training Centre cc	Cliffy Valoo	031 301 6296 083 776 6275	175 Willams Road, Unit 21 Kamchan Centre, Congella, Durban, 4001
16.	Vuwa Occupational Safety Consultants	Thomas Munasi	011 976 2205 082 644 4087	1 Ossewa Street, Cnr Modderfontein Road, Chlorokop, Kempton Park, 1619
17.	Thundlela Construction and Projects	Thuleleni Ndlela	011 942 3967 078 403 9886	100 Malta Road, Naturena, 2064
18.	Global Learning Services	Liesel Jacobs	087 808 5315 033 330 7191	50 Winston Road, Pietermaritzburg 3231

No.	Service Provider	Contact person	Contact details	Physical address
1	Chamdor Driver Training Academy	Lazarus Xulu	(011) 410 5385 084 734 0062	No. 1 Jacob Street, Kagiso, Mogale City, Krugersdorp, 1754
2	DGP Training Consultants	BJ Van der Walt	(016) 976 5565 083 441 3870	Felixstowe Street 4, Sasolburg 1947
3	Eastcape Training Centre	Eric Strydom	(041) 456 1616 082 733 6814	Spondo Street, Struandale, Port Elizabeth, 6001
4	Exclusive Training and Services	LA Bobbert	(016) 423 3101 083 309 9442	22 Limpopo Street, Three Rivers, Vereeniging, 1929
5	Force Services (Pty) Ltd	Jared Bekker	(021) 559 6351 072 875 7183	139Vryberger Avenue, Bothasig, Cape Town, 7406
6	G.T. Rainbow Driving School cc	G T Dlamini	(011) 394 7520 082 773 1233	14 Jubilee Street, Kempton Park, 1620
7	Inkqubela Consultants	Sicelo Nomaqhiza	(018) 484 1297 073 235 9961	29 Tugela Street, Stilfontein West, Stilfontein, Klerksdorp, 2550
8	IPLSA Training and Consultant	Zee Haniff	(035) 751 2350 (035) 751 2022	22A Brass Link, Suite 1 Nadwest park, Alton, Richards Bay, 3900
9	JEG Enterprises	Gerhardt Botha	(011) 781 4650	Central Office Park.Cnr Orchard Avenue & Main Street, Bordeaux, Randburg
10	Kempston Driver Academy	Rick Andrew	(043) 736 2854 083 631 4735	Cnr Settlersway, Buffalo view Drive, East London, 5201
11	Khamafi Training cc	Willington Mzimela	(031) 902 7184 078 377 0006	35 Glebe Shopping Centre Reunion, Prince Mcwayizeni Road, Isipingo, Durban, 4133
12.	KWD Training Services	Samuel Chuene	(011) 984 2503 078 811 9845	4953 Kibi Street.Chiawelo Ext 2, Soweto
13	Manje Manje Training Services	Anand Naidoo	(031) 539 2809 072 537 0304	194Clayfield Drive, Phoenix, Durban
14.	Navcat	Rayhaana Petersen	(012) 361 7328	The Domus Building,Suite 205, 57 Kasteel Road, Lynnwood Glen, 0081
15	Peoples Management and Development Services	Cindy Pretorious	(011) 918 6791 083 268 2335	Unit 6 & 7, Oaklane Office Park, Grippen Road, Bartlett, Boksburg, 1459
16.	Pool Transport	Pierre Kleintjies	(023) 347 0954 082 775 9228	24 Fieldstraat, Worcester, Cape Town, 6850
17.	Tasa Training Services cc	Paul Phiri	(011) 473 4000 (011) 042 9266	2301 Makou / Vink Street, Riverlea, Ext 3, Johannesburg, 2093

***Documents to be held by driver***

- Reg 281.** (1) *The driver of a vehicle referred to in regulation 274(1) shall ensure that such Tremcards and manifests as are required in terms of this Chapter, and which pertain to the dangerous goods carried on such vehicle are held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.*
- (2) *The driver of a vehicle referred to in regulation 274(1) shall produce on demand—*
- (a) a professional driving permit, if applicable; and*
  - (b) the documents referred to in subregulation (1),*
- whenever he or she is operating a vehicle referred to in regulation 274(1).*

***Dangerous goods inspectors***

- Reg 282.** (1) *A dangerous goods inspector shall be appointed by the Minister.*
- (2) *The minimum requirements for appointment as a dangerous goods inspector shall be that the applicant-*
- (a) has obtained a qualification as determined by the Minister;*
  - (b) is, in the opinion of the Minister, a fit and proper person; and*
  - (c) has undergone training in relation to the laws, policy and operational requirements applicable to the transportation of dangerous goods.*
- (3) *A certificate of appointment shall be issued to a dangerous goods inspector appointed under subsection (1), and that inspector shall carry the certificate with him or her in the course of his or her duties.*

***Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors***

- Reg 283.** (1) *The dangerous goods inspectorate shall-*
- (a) evaluate consignors, consignees and operators to determine their compliance with the provisions of the Act and the standard specifications;*
  - (b) conduct investigations into the procedures followed by a person or body of persons in relation to the requirements for the transportation of dangerous goods;*
  - (c) keep a data base of:*
    - (i) every incident that must be reported in terms of SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles;*
    - (ii) dangerous goods regulated under these Regulations and exempt quantities thereof;*
    - (iii) routes frequently used for the transportation of dangerous goods;*
    - (iv) operators transporting dangerous goods; and*
    - (v) offences and infringements related to the transportation of dangerous goods;*
  - (d) advise the Minister on matters related to the transportation of dangerous goods;*

- (e) *assist traffic officers in the execution of their powers and duties in respect of the transportation of dangerous goods; and*
  - (f) *keep abreast with international developments concerning the transportation of dangerous goods.*
- (2) *A dangerous goods inspector employed by the dangerous goods inspectorate may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act-*
- (a) *inspect or search the vehicle or premises, or examine, or extract, take and remove samples of, or direct an approved authority to examine, extract or remove, any substance found in or upon such premises, or any packaging, receptacles, unit loads, bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used, or destined or intended for use, for, in or in connection with the transport of dangerous goods, or for, or in connection with any other operation or activity with or in connection with the transport of dangerous goods, or open or direct an approved authority to open any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such dangerous goods;*
  - (b) *detain a vehicle which is on reasonable grounds suspected of not complying with these regulations, for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation;*
  - (c) *demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;*
  - (d) *demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;*
  - (e) *weigh, count, measure, mark or seal, or direct an approved authority to weigh, count, measure, mark or seal, any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects or lock, secure, seal or close any door or opening giving access to it;*
  - (f) *examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects;*
  - (g) *demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge such book, statement or document, an explanation of any entry therein;*
  - (h) *inspect any operation or process carried out in or upon the vehicle or premises in connection with any activity referred to in paragraph (a); (i) demand any information regarding the operation or process referred to in paragraph (viii) from the operator or person in charge of the vehicle or premises or from any person carrying out or in charge of the carrying out of such operation or process; and*
  - (j) *seize any substance, book, statement or document or other packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of this Act.*

- (3) *If a dangerous goods inspector intends to exercise or perform any power, duty or function under these regulations in the presence of any persons affected thereby, he or she shall, on demand, produce the appointment certificate issued to him or her under regulation 282.*
- (4) *Notwithstanding the provisions of this regulation, a dangerous goods inspector or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless*
  - (a) *the operator was duly notified;*
  - (b) *such unloading, decanting or opening of packages is authorised by the local authority concerned; and*
  - (c) *a qualified person supervises the unloading, decanting or opening of packages;*
- (5) *If the dangerous goods inspectorate finds after an investigation in terms of these Regulations, that an operator has committed an offence in terms of these Regulations or does not comply with these Regulations, it must request the MEC concerned to act in terms of section 50 of the Act, providing reasons for the request.*

***Powers, duties and functions of traffic officers in relation to dangerous goods.***

***Reg 283A.***

- (1) *A traffic officer may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act-*
  - (a) *demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;*
  - (b) *demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;*
  - (c) *determine the quantity or volume of any dangerous goods;*
  - (d) *examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects.*
- (2) *Notwithstanding the provisions of this regulation, a traffic officer or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless-*
  - (a) *the operator was duly notified;*
  - (b) *such unloading, decanting or opening of packages is authorised by the local authority concerned;*
  - (c) *a qualified person supervises the unloading, decanting or opening of packages; and*
  - (d) *the dangerous goods inspectorate is notified.*

***Presumption regarding the transportation of dangerous goods and the quantity of such goods***

**Reg 283B.** *Where in any prosecution for an alleged contravention of any provision in this Act, it is alleged that dangerous goods, as listed in SABS 0228: The identification and classification of dangerous substances, were transported and that such goods were in excess of the exempt quantity, as stipulated in "SABS 0232-1: Transportation of dangerous goods - Emergency information system", -*

- (a) any document or a copy or extract out of any document, purporting to have been issued by the consignor of such goods or operator of such vehicle, stating the nature of goods and the quantity thereof; or*
- (b) any extract from the packaging of any goods transported, identifying or marking, such goods as dangerous goods, and any UN number reflected on such packaging, shall be presumed, in absence of evidence to the contrary, to be prima facie proof that such goods were dangerous goods and the quantity of such goods was in excess of the exempt quantity.*

## **CHAPTER IX**

### **ROAD TRAFFIC SIGNS AND GENERAL SPEED LIMIT**

**Sec 56. Minister may prescribe road traffic signs**

- (1) The Minister may, subject to this Act and for the purpose of prohibiting, limiting, regulating or controlling traffic in general or any particular class of traffic on a public road or a section thereof or for the purpose of designating any public road or a section thereof as a public road of a particular class, prescribe such signs, signals, markings or other devices (to be known as road traffic signs) as he or she may deem expedient, as well as their significance and the conditions on and circumstances under which any road traffic sign may be displayed on a public road.
- (2) The Minister may, subject to such conditions as he or she may deem expedient, authorise any person or body to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability of such sign, signal or device as a road traffic sign.

**Sec 57. Authority to display road traffic signs**

- (1) The Minister, or any person authorised thereto by him or her, may in respect of any public road cause or permit to be displayed in the prescribed manner such road traffic signs as he or she may deem expedient.
- (1A) The chief executive officer, or any person authorised thereto by him or her, may in respect of any public road cause or permit to be displayed in the prescribed manner such road traffic signs as he or she may deem expedient.
- (2) The MEC concerned, or any person authorised thereto by him or her either generally or specifically, may in respect of any public road not situated within the area of jurisdiction of a local authority, cause or permit to be displayed in the prescribed manner any such road traffic signs as he or she may deem expedient.
- (3)
  - (a) A local authority, or any person in its employment authorised thereto by it either generally or specifically, may in respect of any public road within the area of jurisdiction of that local authority display or cause to be displayed in the prescribed manner any such road traffic signs as such authority or person may deem expedient.
  - (b) A local authority may in writing authorise any other person or body to display or cause to be displayed within its area of jurisdiction and in the prescribed manner any road traffic sign approved by it prior to the display of such sign.
  - (c) A local authority referred to in paragraph (b) may determine the conditions for such display and may order the removal of such sign.
- (4) Notwithstanding the provisions of subsections (2) and (3), the MEC concerned, or any person authorised thereto by him or her either generally or specifically, may in respect of any public road referred to in subsection (3) and which is a road constructed or maintained by the Administration of the province concerned, in addition to the road traffic signs referred to in subsection (3), cause or permit to be displayed in the prescribed manner such road traffic signs as he or she may deem expedient, and no local authority may without the consent of that MEC remove or permit to be removed any such road traffic sign.
- (5) In such circumstances and subject to such conditions as the MEC concerned may determine, scholars or students may be organised into patrols (to be known as scholars' patrols) for the purpose of displaying, in the prescribed manner, an

appropriate road traffic sign so as to ensure the safety of scholars or students crossing a public road.

- (6) The MEC concerned may authorise any association or club to display any such road traffic signs as he or she may deem expedient, subject to such conditions as the MEC may determine, on any public road referred to in subsection (2) or (3), and any such association or club may thereupon, in the prescribed manner, display a badge or other token of the association or club in conjunction with any such road traffic sign.
- (7) Transnet Limited, or a person in its employment who has either generally or specifically been authorised thereto, may in respect of any railway level crossing on any public road for which Transnet Limited is responsible, cause or permit to be displayed, in the prescribed manner, any such road traffic signs as Transnet Limited or such person may deem expedient.
- (8) Notwithstanding the provisions of subsections (3) and (7), the MEC concerned may direct that any road traffic sign be displayed or removed by a local authority on or along any public road in the area of jurisdiction of such local authority, or by Transnet Limited on or along any railway level crossing over a public road for which Transnet Limited is responsible, and if the local authority concerned or Transnet Limited fails to comply with the direction, that MEC or any person authorised thereto by him or her may cause such sign to be displayed or removed, as the case may be, and the MEC shall recover the cost of such display or removal from the local authority concerned or from Transnet Limited, as the case may be.
- (9) Any road traffic sign displayed in terms of a repealed ordinance or the Road Traffic Act, 1989 (Act No. 29 of 1989), shall be deemed to be displayed in terms of this Chapter.
- (10) No person shall display any road traffic sign on a public road unless having been authorised thereto by or under this Chapter.
- (11) The MEC concerned or, within the area of jurisdiction of a local authority, that local authority, may by notice in writing direct the owner or occupier of any land on which any road traffic sign or other object resembling a road traffic sign is displayed, or on which any object is displayed which obscures or interferes with the effectiveness of any road traffic sign, to remove such sign or object within the period specified in the notice and, if the owner or occupier concerned fails to comply with the notice, that MEC or local authority, as the case may be, may cause such sign or other object to be removed.
- (12) No person shall wilfully or negligently damage any road traffic sign, or any other sign, signal, marking or other device, displayed in terms of this Chapter, or without proper authority remove it or alter the position thereof or the inscription, lettering, colour or marking thereof or thereon.

#### **Sec 58. Failure to obey road traffic sign prohibited**

- (1) Subject to subsection (3), no person shall, unless otherwise directed by a traffic officer, fail to comply with any direction conveyed by a road traffic sign displayed in the prescribed manner.
- (2) In any prosecution for a contravention of or a failure to comply with a provision of subsection (1), it shall be presumed, in the absence of evidence to the contrary, that the road traffic sign concerned was displayed by the proper authority under the power conferred by this Act and in accordance with its provisions.
- (3) The driver of a fire-fighting vehicle, a fire-fighting response vehicle, a rescue vehicle, an emergency medical response vehicle or an ambulance who drives such

vehicle in the performance of his or her duties, a traffic officer or a person appointed in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995), who drives a vehicle in the carrying out of his or her duties or any person issued with the necessary authorisation and driving a vehicle, may disregard the directions of a road traffic sign which is displayed in the prescribed manner: Provided that—

- (a) he or she shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of any such fire-fighting vehicle, fire-fighting response vehicle, rescue vehicle, emergency medical response vehicle, ambulance or any vehicle driven by a person issued with the necessary authorisation, such vehicle shall be fitted with a device capable of emitting a prescribed sound and with an identification lamp, as prescribed, and such device shall be so sounded and such lamp shall be in operation while the vehicle is driven in disregard of the road traffic sign.

## **Part 1**

### **Road Traffic signs**

#### ***Definitions***

**Reg 284.** *For the purpose of this Part—*

***“abnormal vehicle”*** means any vehicle which is operated under a written exemption granted in terms of section 81 of the Act and any motor vehicle accompanying such abnormal vehicle as a condition for operation;

***“agricultural vehicle”*** means a vehicle designed or adapted solely for agricultural activities and includes a tractor but does not include a goods vehicle;

***“authorised vehicle”*** means any motor vehicle identified by means of—

- (a) a number plate;
- (b) an authorised symbol or name on the vehicle; or
- (c) an authorised disc affixed to the inside of the windscreen of the vehicle,

and whose identification is thereby compatible with that displayed on the appropriate road sign;

***“construction vehicle”*** means a vehicle used in connection with road construction and road maintenance;

***“delivery vehicle”*** means a goods vehicle, motor cycle, motor tricycle or motor quadracycle, in the process of loading or unloading goods;

***“disabled persons vehicle”*** means a motor vehicle conveying a person with a physical disability;

***“emergency vehicle”*** means a fire-fighting vehicle, rescue vehicle, ambulance, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service or a member of a municipal police service, both as defined in the South African Police Service Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties, and a vehicle driven by a person engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977)

***“hawker”*** means a person who sells or trades goods;



**“high occupancy vehicle”** means a motor vehicle in which the number of occupants equals or exceeds the number indicated on an appropriate road traffic sign;

**“midi-bus”** means a bus which is designed or adapted solely for the conveyance of not more than 35 persons, excluding the driver;

**“mini-circle”** means a type of small traffic circle, entry to which is controlled by sign R2.2;

**“painted island”** means an island marked on the road surface that serves as a channelizing device within a junction or in a public road;

**“rickshaw”** means a vehicle with two wheels designed to be pulled by a person;

**“selective restriction sign”** means a regulatory sign which comprises of a two part message which is such that the lower message modifies or qualifies the significance of the upper message;

**“taxi”** means a motor car, motor tricycle or motor quadrucycle which is designed or adapted for the conveyance of up to nine persons, including the driver, and is operated for reward;

**“tour bus”** means a minibus, midi-bus or a bus which is operated by or leased to a tour operator and which is solely or principally used to convey tourists;

**“traffic circle”** means a junction which contains a traffic or painted island, around which a road user travels in a clockwise direction, and “roundabout” shall have the same meaning;

**“tram”** means a device that operates on rails within a public road;

**“variable message sign”** means a road sign which is capable of varying its message by manual or remote control to display a different message to the message last displayed and the road sign may be light reflecting or light emitting; and

**“zig-zag-zone”** means that section of roadway delineated by a zig-zag-zone line marking RM11.

### **Purpose, classification and types of road traffic signs**

**Reg 285.** (1) A road traffic sign shall have one of the following purposes:

- (a) Regulatory, that is a road traffic sign which directs a road user to take or not to take a specific action;
- (b) warning, that is a road traffic sign calling attention to conditions on a public road which are dangerous or potentially dangerous to road users; or
- (c) guidance or information, that is a road traffic sign indicating a destination, direction, distance, amenity, facility, place of interest, tourist attraction or location, or any combination of these, or a road traffic sign which imparts general information or advice to road users.

(2) Road traffic signs shall be divided into the following classes:

- (a) Class I: Road signs—
  - (i) regulatory signs—
    - (aa) control signs;
    - (bb) command signs;

- (cc) *prohibition signs;*
    - (dd) *reservation signs;*
    - (ee) *comprehensive signs;*
    - (ff) *exclusive secondary signs; and*
    - (gg) *derestriction signs;*
  - (ii) *warning signs—*
    - (aa) *advance warning signs—*
      - (aaa) *road layout signs;*
      - (bbb) *direction of movement signs; and*
      - (ccc) *symbolic signs;*
    - (bb) *hazard marker warning signs; and*
  - (iii) *guidance signs—*
    - (aa) *location signs;*
    - (bb) *route marker signs;*
    - (cc) *direction signs;*
    - (dd) *freeway direction signs;*
    - (ee) *tourism direction signs;*
    - (ff) *diagrammatic signs;*
    - (gg) *local direction signs;*
    - (hh) *pedestrian signs; and*
    - (ii) *toll direction signs;*
  - (iv) *information signs;*
- (b) *Class II: Road markings—*
- (i) *regulatory markings—*
    - (aa) *transverse regulatory markings; and*
    - (bb) *longitudinal regulatory markings;*
  - (ii) *warning markings; and*
  - (iii) *guidance markings; and*
- (c) *Class III: Road signals—*
- (i) *regulatory signals—*
    - (aa) *traffic signals—*
      - (aaa) *vehicular light signals; and*
      - (bbb) *pedestrian light signals;*
      - (ccc) *pedal cycle light signals;*
    - (bb) *red flashing signal;*
    - (cc) *overhead lane direction control signals; and*

- (dd) *other regulatory signals; and*
  - (ii) *warning signals—*
    - (aa) *warning flashing signals; and*
    - (bb) *warning flag signals.*
- (2A) *The road traffic signs which fall under the classes referred to in subregulation (2) are contained in Schedule 1 and shall have the significance ascribed to it in that Schedule.*
- (3) *A regulatory, warning, guidance or information sign for which a temporary sign number is allocated may be used in the temporary sign colours as prescribed by regulation 286A(1)(b): Provided that this provision shall not apply to any control regulatory sign, location guidance sign or tourism direction guidance sign.*
- (4)
  - (a) *When no specific symbol is available for the regulatory or warning message required, a word message may be used on the background of a regulatory or warning sign of standard shape, size and colour, and the letters used shall be black semi-matt on a white or yellow background or white on a blue background.*
  - (b) *The lettering shall substantially conform to one of the standard letter styles detailed in the Southern African Development Community Road Traffic Signs Manual and shall be of a maximum size permitted by the space available and the message to be displayed, but shall not be less than 70 millimetres in height.*

#### ***Dimensions for manufacture of road traffic signs***

- Reg 286.** (1) (a) *The minimum external dimensions in millimetres of regulatory and warning signs are given in relation to the speed limit in kilometres per hour pertaining to the section of public road on which the signs are erected: Provided that a tolerance of five percent below such minimum dimension shall be permissible.*
- (b) *The minimum dimensions and speed referred to in subregulation (1) shall, subject to paragraph (c) be—*
- (i) *for circular regulatory signs as shown in the table below:*

	<b><i>SIGN TYPE</i></b>				
<i>Speed limit</i>		<i>0 – 60</i>	<i>61 - 80</i>	<i>81 – 100</i>	<i>101 - 120</i>
<i>Diameter</i>	<i>General</i>	<i>600</i>	<i>900</i>	<i>1 200</i>	<i>1 200</i>
	<i>Overhead</i>	<i>900</i>	<i>1 200</i>	<i>1 200</i>	<i>1 600</i>
	<i>Parking &amp; Stopping</i>	<i>450</i>	<i>900</i>	<i>1 200</i>	<i>1 200</i>

*Provided that—*

- (aa) *a stop sign shall be the same size as a circular sign except for a sign used by a scholar patrol which may be a minimum of 450 millimetres in diameter;*

(bb) a sign for pedestrians and cyclists may be a minimum of 300 millimetres in diameter; or

(cc) a keep left sign used on the vertical face of a Ballard may be a minimum of 300 millimetres in diameter;

(ii) for triangular regulatory and warning signs as shown in the table below:

Speed limit	0 – 60	61 – 80	81 – 100	101 - 120
Side length	900	1 200	1 200	1 500

(i) for rectangular regulatory signs as shown in the table below:

	<b>SIGN TYPE</b>				
Speed limit		0 – 60	61 - 80	81 – 100	101 - 120
Height x width	General	600 x 450	900 x 675	1200 x 900	1200 x 900
	Overhead	900 x 675	1200 x 900	1200 x 900	1600 x 1200
	Parking & Stopping	445 x 338	900 x 675	1200 x 900	1200 x 900
	Bus & minibus stop	450 x 225	600 x 300	800 x 400	900 x 450

Provided that a one way roadway sign shall be of a minimum height of 450 millimetres and a minimum width of 600 millimetres.

(c) The following signs shall be of the minimum dimensions as follows:

(i) Sign R1.3 and R1.4 shall be of the same size as one side of stop sign R1;

(ii) the lower part of sign R2.1 shall be as shown in the table below:

Speed limit	0 – 60	61 – 80	81 – 100	101 - 120
Height x width	300 x 225	450 x 338	600 x 450	750 x 563

(iii) Sign R5 shall be of a minimum side length of 450 millimetres;

(iv) an exclusive secondary message sign shall be of the same length as the diameter or width of the upper sign in such sign combination;

(v) signs W401, W402 and W415 shall be of the minimum dimensions as shown in the table below:

Speed limit	0 – 60	61 – 80	81 – 100	101 - 120
Height x width	600 x 150	600 x 150	800 x 200	800 x 200

(vi) signs W403 and W404 shall be of the minimum dimensions as shown in the table below:

Speed limit	0 – 60	61 – 80	81 – 100	101 - 120
Diagonal	1 015	1 200	1 200	1 200

(vii) signs W405 to W410 and W414 shall be of the minimum dimensions

as shown in the table below:

<i>Speed limit</i>	0 – 60	61 – 80	81 – 100	101 – 120
<i>Height</i>	450	450	600	600

*Provided that sign W414 shall have a minimum height of 600 millimetre and a width of 1 600 millimetres, irrespective of the speed limit, when used in conjunction with sign GA4.*

(viii) *sign TW411 shall be of the minimum dimensions as shown in the table below:*

<i>Speed limit</i>	0 – 60	61 – 80	81 – 100	101 – 120
<i>Height x width</i>	200 x 1 200	300 x 1 800	400 x 2 400	400 x 2 400

(ix) *sign TW412 shall be of the minimum dimensions as shown in the table below:*

<i>Speed limit</i>	0 – 60	61 – 80	81 – 100
<i>Height x width</i>	450 x 900	600 x 1 200	600 x 1 200

(x) *sign W413 shall be of the minimum dimensions as shown in the table below:*

<i>Speed limit</i>	0 – 60	61 – 80	81 – 100	101 – 120
<i>Height x width</i>	600 x 350	600 x 350	800 x 466	800 x 466

- (2)
  - (a) *The minimum width of a longitudinal road marking shall be 100 millimetres: Provided that a tolerance of 10 percent below such minimum dimension shall be permissible.*
  - (b) *The minimum length of a continuous longitudinal road marking shall be nine metres on a public road in an urban area and 12 metres on any other public road: Provided that this provision shall not apply to such marking used to mark the edge of a painted island.*
  - (c) *The minimum width of a transverse road marking shall be—*
    - (i) *for road marking RTM1 in an urban area, 300 millimetres and in any other area 500 millimetres;*
    - (ii) *for road marking RTM2 in an urban area, 200 millimetres and in any other area 300 millimetres;*
    - (iii) *for road marking RTM4, 2 400 millimetres;*
    - (iv) *for road marking GM5, 300 millimetres; and*
    - (v) *for any other transverse road marking, 100 millimetres.*
- (3) *The minimum diameter of any disc light signal of a traffic signal shall be 210 millimetres: Provided that a tolerance of 10 percent below such dimension shall be permissible.*
- (4) *The specific dimensions of a road traffic sign and of the letter styles and symbols used on such sign shall be substantially in conformity with the requirements laid*

**Colours for manufacture of road traffic signs**

**Reg 286A.** (1) (a) *The colours of a road traffic sign shall be as indicated in Schedule 1.*

(b) *Where a temporary version of a road sign is provided for, by means of a temporary number allocated to such sign, the colour of such sign shall be altered so that—*

- (i) *a white symbol, letter or border becomes black semi-matt and any superimposed black symbol becomes white retro-reflective;*
- (ii) *the yellow symbol on signs R302 and R303 and any yellow letters, numerals or punctuation marks become black semi-matt; or*
- (iii) *a white, blue or green background becomes yellow retro-reflective:*

*Provided that:*

(aa) *a red border or other area stays red except that—*

(aaa) *the border of a temporary diagrammatic sign or high visibility sign becomes black semi-matt; or*

(bbb) *the red areas on signs W401, W402 and W405 to W410 become black semi-matt;*

(bb) *the superimposed colored portions of symbols on signs R126, R232, R316, R321, R322, R316-P, R321-P, R322-P, W301, W302 and W303 stay as they are; and*

(cc) *any other yellow symbol stays yellow but is surrounded by a thin black semi-matt border.*

(c) *Where only a temporary version of a road sign is provided for it shall conform to the temporary colours referred to in paragraph (b).*

(2) *Where a road traffic sign is required to be of any specific colour or colours, such colours shall be in conformity with the following specifications published by the South African Bureau of Standards:*

(a) *For red, orange, yellow, green, blue, purple, white and brown retro-reflective material and for red, orange, yellow, green, blue, purple, white, grey, black and brown paint, the coefficient of retro-reflection, the colour, luminance factor and specular gloss, as the case may be, prior to weathering, of the standard specification SABS 1519 “Road signs”, and the words “coefficient of retro-reflection, colour, luminance factor, specular gloss and weathering”, shall bear the same meaning as assigned thereto by such specification;*

(b) *for yellow, white, black and red road marking material and golden yellow paint, standard specification SABS 1091 “National colour standards for paint”;*

(c) *for red, yellow, clear and green road studs, standard specification SABS 1442 “Road studs”; and*

(d) *for red, yellow and green illuminated traffic signals, standard specification SABS 1459 “Traffic Lights”.*

(3) *If a road traffic sign is displayed with a colour which differs in shade from the colour specified in subregulation (2), the validity of such sign shall, in the absence of evidence of prejudice, not be affected thereby.*

- (4) *The reverse side of a road sign, other than a road sign with an aluminium background, shall be grey, except that, irrespective of the material of manufacture, the reverse side of a stop sign shall be white semi-matt.*
- (5) *Subject to the provisions of this Part, the colour of the standard or post specifically erected for the display of a road sign shall, where the standard or post is—*
  - (a) *of steel, be grey: Provided that if the steel has been treated this requirement shall not apply;*
  - (b) *of wood, be the colour of the wood as treated or painted grey or brown; and*
  - (c) *of concrete, be the natural colour of the concrete, and in the case of a road signal the standard, post or cantilever shall be golden yellow, portions of which may be retro-reflective; Provided that this provision shall not be applicable to an overhead traffic signal mounted on a gantry.*
- (6) *Light reflecting variable message road signs shall conform to the dimensional and colour requirements in this regulation.*
- (7) (a) *Light emitting variable message road signs may be used to display a regulatory, warning, guidance or information message.*
  - (b) *Any light emitting variable message road sign which conveys a regulatory or warning message shall display the message—*
    - (i) *in the same shape as the equivalent standard sign;*
    - (ii) *with an illuminated red or white border as the case may be; and*
    - (iii) *with an illuminated message in white letters, numbers or symbols on a semi-matt black background.*
  - (c) *A combination of a standard road sign and a variable message road sign may be used.*
- (8) *Retro-reflective material referred to in subregulation (2) (a) shall bear a permanent mark to identify the class and the manufacturer of such material.*

### ***Manner of display of road signs and road signals***

**Reg 287.** (1) *Subject to the provisions of this Part, a road sign or a road signal shall—*

- (a) *be displayed on a public road where its significance is applicable, to face oncoming traffic;*
- (b) *be placed in a position and at a height which is the most advantageous with regard to the design, alignment and other features of the public road concerned; and*
- (c) *be displayed substantially in conformity with:*
  - (i) *the Southern African Development Community Road Traffic Signs Manual Volume One and Four; and*
  - (ii) *the South African Road Traffic Signs Manual Volume Two and Three.*
- (2) *A temporary road sign shall only be used for a temporary condition.*
- (3) *Where an association or club is authorised to display a road traffic sign as referred to in section 57(6) of the Act, no badge or other token on any such road traffic sign shall be outside the outline of such road traffic sign: Provided that in any case where this is not possible, it shall be in the immediate proximity to the junction of*

*the road traffic sign with the standard or post and contained in an area not exceeding 10 percent of the area of the face of such sign: Provided further that in all other cases the badge or token may be placed where space is available on the road traffic sign, preferably in a corner, but the nearest edge of the badge or token shall not be more than 100 millimetres from the edge of the road traffic sign.*

- (4) *If a road sign or road signal is mounted over a portion of the roadway, the minimum clearance between the underside of the sign or signal and the road surface shall be five comma two metres, except for signs R204, W415 and W320.*
- (5) *In the case where two road traffic signs are in conflict with one another—*

  - (a) *a temporary road traffic sign shall take precedence over any other sign;*
  - (b) *subject to paragraph (a), a control regulatory sign and a traffic signal shall have precedence over any other sign; and*
  - (c) *a bus, midi-bus or minibus stop sign shall take precedence over a parking or stopping sign including a no parking and no stopping sign.*
- (6) (a) *A road traffic sign may be used in combination with another road traffic sign on the same post to—*

  - (i) *selectively restrict the application of the road traffic sign by displaying a two part message where the lower message modifies the significance of the upper message;*
  - (ii) *improve the comprehensibility of the sign by means of a warning sign or supplementary information plate; and*
  - (iii) *improve the conspicuity of the road traffic sign as contemplated in subregulation (9).*

(b) *The combinations referred to in paragraph (a) shall not comprise of combinations of permanent and temporary signs.*

(c) *A regulatory or warning sign may be used in combination with a guidance sign.*
- (7) *Examples of sign combinations are shown in the Annexure to Schedule 1.*
- (8) *A road traffic sign may be supplemented to improve the comprehensibility of such sign by—*

  - (a) *in the case of a regulatory sign or signal or warning sign, the addition below the sign of an information or supplementary plate; and*
  - (b) *the inclusion of a regulatory or warning sign within a guidance sign.*
- (9) (a) *The conspicuity of a road traffic sign may be improved by—*

  - (i) *displaying such sign on a high visibility background;*
  - (ii) *displaying such sign in combination with one or more yellow flashing signals; or*
  - (iii) *internal or external illumination.*

(b) *The colours of a high visibility background shall be—*

  - (i) *for a permanent sign, white retro-reflective for the background and red retro-reflective for the border; or*
  - (ii) *for a temporary sign, yellow retro-reflective for the background*



*and black semi-matt for the border.*

(10) *When a continuous longitudinal road marking is used in combination with road studs, small breaks in the continuity of the road marking may occur to accommodate such road studs.*

### ***Manner of display of traffic signal***

**Reg 287A. (1) (a)** *A traffic signal shall—*

- (i) *comprise of light signals arranged vertically so that the topmost signal is red, the central signal is yellow and the lower signal is green: Provided that—*
  - (aa) *the topmost signal may include more than one red light signal arranged horizontally;*
  - (bb) *the central light signal may include more than one yellow light signal arranged horizontally;*
  - (cc) *the lower light signal may include more than one green light signal arranged vertically or horizontally;*
  - (dd) *a special supplementary traffic signal S10L and S10R may be used with only a yellow and a green arrow;*
  - (ee) *a pedestrian traffic signal S11 shall comprise two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green;*
  - (ff) *a special traffic signal S12 may comprise of two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green; and*
  - (gg) *a pedal cyclist traffic signal S12 shall comprise two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green;*
- (ii) *have a basic sequence which shall be red, green, yellow and red and the cycle time shall be such as may be required by the movement of traffic; and*
- (iii) *be so designed that the traffic signal head prevents, as far as possible, any traffic signal from being seen from a direction to which its light signals do not apply.*
- (b) *At a signalised junction, signalised slipway or a signalised pedestrian or pedal cyclist crossing, the following traffic signal faces shall be provided for the control of vehicular traffic for each direction from which vehicular traffic may approach the junction, slipway or crossing:*
  - (i) *at least two traffic signal faces that contain red light signals shall be provided on the far side of the stop line RTM1 at locations –*
    - (aa) *that are not on the near side of a junction or slipway;*
    - (bb) *that are not less than six metres from the stop line RTM1;*
    - (cc) *such that the two traffic signal faces shall not be less than three metres and not more than 20 metres apart: Provided that where it is unavoidable that the traffic signals are more than 20 metres apart, additional principal traffic signals shall be*

*provided in such a manner that no traffic signals are more than 20 metres apart; and*

- (dd) at a signalised junction, but not a pedestrian or pedal cyclist crossing, where a straight-through movement is permitted from an approach to the junction, and where the roadway continues straight through the junction, a traffic signal face for the control of straight-through movements shall be provided, subject to the requirements of subparagraphs (aa) to (cc), on either side of the roadway on the far side of the junction: Provided that when the roadway is divided at the junction by a constructed median island of adequate width to accommodate a signal, the right-hand traffic signal face shall be situated on the median island.*
- (ii) At a signalised junction or slipway, but not a pedestrian or pedal cyclist crossing, at least one traffic signal face containing a red light signal shall be provided on the near side of the junction or slipway, on the left- or right-hand side of the roadway at a position not further than three metres from the prolongation of the stop line RTM1.*
- (iii) When a separate left- or right-turn signal is required, at least two traffic signal faces that incorporate a flashing green arrow light signal, flashing green bus light signal or a flashing green tram light signal, shall be provided, one on the far side of the stop line RTM1 subject to subparagraphs (i) (aa) and (bb), and the other on the far or near side;*
- (iv) A traffic signal which could, prior to the commencement of this subregulation, validly be displayed in terms of the Act, may, notwithstanding the provision of this regulation be displayed on a public road until 31 December 2010.*
- (c) Additional traffic signal faces may be provided at the junction or crossing at any suitable location, even if the minimum requirements of paragraph (b) have been met.*
- (d) A slipway for traffic turning left or right at a junction which is traffic signal controlled, shall be separated from the lane to the right or left of such slipway by a constructed island.*
- (e) When a separate right hand turn light signal is required, at least two traffic signals that incorporate a green arrow light signal shall be provided on two separate supports subject to the requirement of paragraph (d) and at least one of such traffic signals shall be a S8 traffic signal.*
- (f) A background screen shall be provided for each vehicular signal face, and such background screen shall comply with standard specifications SABS 1459-1988 "Traffic lights": Provided that traffic signals that could, prior to the commencement of this regulation, be displayed without a background screen may, notwithstanding the provision of this regulation be displayed on a public road until 31 December 2010.*
- (g) A background screen may be provided for pedestrian and pedal cyclist signal faces and such screens shall comply with standard specifications SABS 1459-1988 "Traffic lights".*
- (h) Where it is necessary to increase the conspicuity of a traffic signal, the border of the background screen provided for a signal face may be retro-reflective.*

- (i) *A Traffic Signal Arrow Sign (ST1 to ST5) may be displayed vertically above a traffic signal face to indicate that any light signal installed in the signal face only applies to the direction of movement indicated by the arrow sign.*
- (2) *The traffic control at a junction or pedestrian or pedal cyclist crossing may include the use of road signs, road markings and road signals and the control precedence shall be as follows:*
  - (a) *A road sign which prohibits or prescribes directional movement of traffic at a junction or pedestrian or pedal cyclist crossing which is controlled by a traffic signal, shall have precedence over any light signal which permits right of way.*
  - (b) *A light signal that permits right of way shall have precedence over the stop line RTM1.*
  - (c) *A light signal that has the significance that traffic shall stop, has precedence over any other road traffic sign or another light signal that permits right of way, except when such other light signal has a higher precedence level. The precedence levels for light signals are as follows, given from the highest to lowest precedence level:*
    - (i) *steady or flashing pedestrian and pedal cyclist light signals;*
    - (ii) *steady or flashing bus or tram light signals;*
    - (iii) *steady or flashing arrow signals, or steady disc signals with traffic signal arrow signs ST1 to ST5; and*
    - (iv) *steady disc light signals.*
- (3) *No road sign except –*
  - (a) *a street name sign;*
  - (b) *a direction route marker sign;*
  - (c) *information signs IN14 and IN15 and pedestrian and pedal cyclist signs relating to the function of the traffic signal*
  - (d) *a one-way roadway sign;*
  - (e) *a no-entry sign;*
  - (f) *a left-turn prohibited, right-turn prohibited or a U-turn prohibited sign;*
  - (g) *a proceed straight through only, proceed left only, or proceed right only sign;*
  - (h) *a pedestrian prohibited sign R218; or*
  - (i) *a traffic signal arrow sign ST1 to ST5;*  
*shall be used in conjunction with a traffic signal, and such signs may be mounted on the same post or overhead cantilever or gantry as that of the traffic signal.*
- (4) *When no light signal is illuminated on an approach to a signalised junction, the driver of a vehicle shall act as for a 3-way stop sign R1.3 or a 4-way stop sign R1.4.*
- (5) *A traffic signal may be placed in a mode of operation indicating that it is out of order, and this mode of operation shall be that either all the light signals shall not be illuminated, or that all vehicular red light signals shall be flashing and pedestrian and pedal cyclist light signals shall be switched off.*
- (6) *A flashing red left arrow light signal shall not be used in conjunction with a green man light signal at a junction, provided that the flashing red left arrow light signal shall not be displayed after 31 December 2010.*

- (7) *Every flashing light signal shall operate at a cycle frequency of between one and two flashes per second.*
- (8) (a) *A flashing red signal shall comprise a red disc light signal.*  
(b) *When red flashing signals are used at a railway crossing two light signals shall—*  
(i) *be mounted below stop sign R1 and above railway line hazard marker W403 or W404, as applicable;*  
(ii) *be illuminated in an alternating flashing mode only when a train is approaching; and*  
(iii) *be situated on the near side of the railway crossing, on the left side of each approach roadway.*
- (9) *Overhead lane direction control signals shall—*  
(a) *comprise light signals, S16, S17, S18 and S19 mounted side by side with S16 on the right of S17 and S18 or S19 in advance of S16 and S17 as viewed by a driver, above each lane subjected to reversed flow traffic movement and for both directions of movement: Provided that, if the light signal is a matrix of light sources signals 16 and 17 may comprise one unit for each lane and for both directions of movement in that lane;*  
(b) *conform to the requirements of SABS 1459 “Traffic Lights”;*  
(c) *be so mounted that the centre of the light signals is not more than six comma two metres above the roadway and the lower edge not less than five comma two metres above the roadway; and*  
(d) *not be displayed over a lane to indicate the permitted direction of traffic movement except when such lane is subject to reversed flow in the direction of traffic movement.*
- (10) *A flag shall be 600 millimetres by 600 millimetres and shall be red or orange.*
- (11) (a) *A responsible registered professional engineer or registered professional technologist (engineering) of the road authority concerned shall approve every traffic signal installation at a signalised junction or pedestrian or pedal cyclist crossing, and sign a declaration containing the following:*  
(i) *scaled drawing of the layout of the junction or crossing, indicating lane markings and road layout;*  
(ii) *number, type and location of traffic signal faces;*  
(iii) *number, type and location of pedestrian and pedal cyclist facilities, including pedestrian push buttons;*  
(iv) *phasing, time plans and offset settings;*  
(v) *date of implementation; and*  
(vi) *name, signature and registration number of the engineer or technologist (engineering) who approved the signal, and date of signature.*  
(b) *The declaration shall be kept by the road authority in control of the traffic signal concerned.*
- (12) *A slip lane for traffic turning left at an intersection which is traffic signal controlled, shall be separated from the lane to the right of such slip lane by a constructed island.*

### ***Signs regulating parking, stopping and hawkers***

- Reg 288.** (1) *A regulatory sign relating to the parking of a vehicle and the prohibition of hawkers shall be displayed at each end and on that side of a portion of the public road where the significance of such sign is applicable: Provided that—*
- (a) *no junction shall be included in any such section of public road;*
  - (b) *any other regulatory road traffic sign may be displayed within any such section of public road in which event such regulatory road traffic sign shall prevail over any sign relating to the parking of a vehicle;*
  - (c) *in respect of any section of a public road which lies between the nearest intersecting public roads and which does not exceed 75 metres in length, parking or hawking may be prohibited or restricted in such section by displaying only one appropriate sign; and*
  - (d) *where the significance of such sign is to apply to any portion of a public road other than the side of such public road—*
    - (i) *such sign may be displayed on that portion of such public road to which its significance is to apply or on any traffic island or other raised area surrounded by the roadway of such public road, adjacent to such portion;*
    - (ii) *in the case of a parking prohibited sign, its significance shall apply to any parking bay demarcated at a distance of not more than 500 millimetres from such sign and if that bay is one of several demarcated parking bays adjoining one another, to all such adjoining parking bays within a distance of 75 metres from such sign and for the purposes of this paragraph parking bays demarcated within two and a half metres of each other shall be deemed to be adjoining parking bays.*
- (2) *A regulatory sign prohibiting or restricting the stopping of a vehicle, shall be displayed at each end and on that side of the section of a public road where the significance thereof is to be applicable: Provided that—*
- (a) *no junction shall be included in any such section of public road;*
  - (b) *in respect of any section of public road which lies between the nearest intersecting public roads and which does not exceed 75 metres in length, stopping may be prohibited or restricted in such section by displaying only one appropriate sign.*
- (3) *A regulatory sign relating to the parking, stopping of a vehicle or the prohibition of hawkers, shall, unless it is displayed with the face parallel to the lateral line of the public road, display a similar sign on the reverse side.*

### ***Authority to enter premises contrary to regulatory sign***

- Reg 289.** *Where a regulatory sign applies which reserves a public road or portion of a public road for a specific category of vehicle, the driver of a vehicle, other than the driver of a vehicle of the class referred to by such sign, may only cross such public road, or the portion of such public road, if—*
- (a) *he or she cannot otherwise enter or leave any premises adjacent to such road or portion of public road; and*

- (b) *it is safe to do so.*

### ***Prohibition of advertising on public roads***

#### ***Reg 290.***

- (1) *No person shall display or allow to be displayed any advertising material on or attached to a road traffic sign, except -*
- (a) *that a single advertisement may be displayed on each side of a street name sign GL1 or a suburb name sign GL2 in combination with such signs;*
- (b) *where the manufacturer of such sign displays his or her name at the back of that sign; or*
- (c) *in the circumstances referred to in section 57(6) of the Act:*

*Provided that it shall be displayed substantially in conformity with the Southern African Development Community Road Traffic Signs Manual.*

- (2) *No person shall use or portray a road traffic sign in an advertisement where such advertisement is visible for a road user while travelling on a public road.*
- (3) *No person may-*
- (a) *operate on a public road a motor vehicle on which it appears or is displayed any electronic device or lights emitting advertisement; or*
- (b) *display on a stationary motor vehicle any electronic device or lights emitting advertisement visible from a public road or land adjacent to such public road, or cause it to be so displayed:*

*Provided that the provision of subregulation (3) shall not apply to lamp illuminating notice, or identification lamps as referred to in regulation 173 (1), (2), 176 (1) and taxi tops bearing an advertisement or information on top of metered taxis operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.*

- (4) *No person shall display or cause to be displayed any directional sign displaying or depicting the sale of liquor products visible on a public road, or permit it to be so displayed.*

### ***Transitional provision***

- Reg 291.*** (1) *A road traffic sign which could, prior to the commencement of this Part, validly be displayed in terms of the Act, may, notwithstanding the provisions of this Part be displayed on a public road until 31 December 2000.*
- (2) *A road traffic sign contemplated in subregulation (1) has the same meaning assigned to a corresponding road traffic sign in Schedule 1: Provided that a stop sign R1 which could have been displayed prior to the commencement of this Part shall, when it is displayed as a 3-way or 4-way stop sign, have the same significance as stop signs R1.3 and R1.4 respectively as in Schedule 1*

### **➤ Specific signs – Schedule 1 to the Regulations – Not included**

## **Sec 59. Speed limit**

- (1) The general speed limit in respect of—
  - (a) every public road or section thereof, other than a freeway, situated within an urban area;
  - (b) every public road or section thereof, other than a freeway, situated outside an urban area; and
  - (c) every freeway,shall be as prescribed.
- (2) An appropriate road traffic sign may be displayed on any public road in accordance with section 57, indicating a speed limit other than the general speed limit which applies in respect of that road in terms of subsection (1): Provided that such other speed limit shall not be higher than the speed limit prescribed in terms of subsection (1) (c).
- (3) The Minister may, after a decision has been taken in the Shareholders Committee, in respect of any particular class of vehicle prescribe a speed limit which is lower or higher than the general speed limit prescribed in terms of subsection (1) (b) or (c): Provided that the speed limit so prescribed shall not replace a lower speed limit indicated in terms of subsection (2) by an appropriate road traffic sign.
- (4) No person shall drive a vehicle on a public road at a speed in excess of—
  - (a) the general speed limit which in terms of subsection (1) applies in respect of that road;
  - (b) the speed limit indicated in terms of subsection (2) by an appropriate road traffic sign in respect of that road; or
  - (c) the speed limit prescribed by the Minister under subsection (3) in respect of the class of vehicle concerned.

## **Sec 60. Certain drivers may exceed general speed limit**

Notwithstanding the provisions of section 59, the driver of a fire-fighting vehicle, a fire-fighting response vehicle, a rescue vehicle, an emergency medical response vehicle or an ambulance who drives such vehicle in the carrying out of his or her duties, a traffic officer or a person appointed in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995), who drives a vehicle in the carrying out of his or her duties or any person issued with the necessary authorisation and driving a vehicle, may exceed the applicable general speed limit: Provided that—

- (a) he or she shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of any such fire-fighting vehicle, fire-fighting response vehicle, rescue vehicle, emergency medical response vehicle, ambulance or any vehicle driven by a person issued with the necessary authorisation, such vehicle shall be fitted with a device capable of emitting a prescribed sound and with an identification lamp, as prescribed, and such device shall be so sounded and such lamp shall be in operation while the vehicle is driven in excess of the applicable general speed limit.

## **Part III**

### **Speed limits**

#### ***General speed limits***

**Reg 292.** *A general speed limit of—*

- (a) *60 kilometres per hour shall apply in respect of every public road or section thereof, situated within an urban area;*
- (b) *100 kilometres per hour shall apply in respect of every public road or section thereof, other than a freeway, situated outside an urban area; and*
- (c) *120 kilometres per hour shall apply in respect of every freeway.*

#### ***Prohibition on speed detectors, jammers and similar devices***

- Reg 292A.** (1) *No person may operate on a public road a motor vehicle in which is fitted or affixed to such motor vehicle any device that interferes or detect the use of a speed monitoring or measuring device;*
- (2) *No person may have in his or her possession whilst travelling in a motor vehicle a device that interferes or detects the use of a speed monitoring or measuring device.*

#### ***Speed limit for particular class of vehicle***

**Reg 293.** (1) *In terms of section 59 (3) of the Act, a speed limit of—*

- (a) *80 kilometres per hour shall, subject to the proviso to the said section, apply in respect to—*
  - (i) *a goods vehicle the gross vehicle mass of which exceeds 9 000 kilograms;*
  - (ii) *a combination of motor vehicles consisting of a goods vehicle, being the drawing vehicle, and one or two trailers of which the sum of the gross vehicle mass of the goods vehicle and of the trailer or trailers exceeds 9 000 kilograms;*
  - (iii) *an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 9 000 kilograms; or*
  - (iv) *any breakdown vehicle that is towing another vehicle;*
- (b) *100 kilometres per hour shall, subject to the proviso to the said section, apply in respect of—*
  - (i) *a bus; and*
  - (ii) *a minibus or a midibus operating in terms of an operating licence.*
  - (iii) *a rapid transport bus and a rapid transport bus-train.*
- (2) (a) *There may be displayed on the rear of a goods vehicle contemplated in subregulation (1) (a), a sign denoting that such goods vehicle is subject to a speed limit of 80 kilometres per hour, and such sign shall comply with the requirements of standard specification SABS 1329 “Retro-reflective and Fluorescent Warning Signs for Road Vehicles”, Part 3: “Signs other than triangles, chevron signs and abnormal load vehicle signs” with respect to the colours displayed on such sign.*



- (b) *There shall be displayed on the rear of a motor vehicle referred to in subregulation (1)(b) a sign denoting that such vehicle is subject to a speed limit of 100 kilometres per hour, and such sign shall comply with the requirements of the standard specification referred to in paragraph (a) with respect to the colours displayed on such sign.*

***Speed limit in relation to tyres***

**Reg 294.** *Notwithstanding the provisions of regulations 292 and 293, no person shall operate on a public road a motor vehicle which is fitted with pneumatic tyres, at a speed in excess of the speed referred to in the standard specification SABS 1550 “Motor Vehicle Tyres and Rims: Dimensions and Loads” , Part 1: “General”, Part 2: “Passenger car tyres”, Part 3: “Commercial vehicle tyres”, or as approved by the manufacturer of the tyre concerned.*

***Speed limit in relation to braking capability***

- Reg 295.** (1) *No person shall operate on a public road a tractor or trailer referred to in regulation 154(2) at a speed in excess of 35 kilometres per hour.*
- (2) *A motor vehicle referred to in subregulation (1) may be fitted with a sign denoting that such vehicle is subject to a speed restriction of 35 kilometres per hour, which sign shall comply with the requirements of standard specification SABS 1329 “Retro-reflective and fluorescent warning signs for road vehicles”, Part 3: “Signs other than triangles, chevron signs and abnormal load vehicle signs” with respect to the colours displayed on such sign.*

## **CHAPTER X**

### **ACCIDENTS AND ACCIDENT REPORTS**

#### **Sec 61. Duty of driver in event of accident**

- (1) The driver of a vehicle at the time when such vehicle is involved in or contributes to any accident in which any person is killed or injured or suffers damage in respect of any property, including a vehicle, or animal shall—
  - (a) immediately stop the vehicle and report the accident on the prescribed form and in the prescribed manner, the officer concerned shall deal with the report in the prescribed manner and the chief executive officer must ensure that the accident is recorded in the register of accidents in the prescribed manner and within the prescribed period;
  - (b) ascertain the nature and extent of any injury sustained by any person;
  - (c) if a person is injured, render such assistance to the injured person as he or she may be capable of rendering;
  - (d) ascertain the nature and extent of any damage sustained;
  - (e) if required to do so by any person having reasonable grounds for so requiring, give his or her name and address, the name and address of the owner of the vehicle driven by him or her and, in the case of a motor vehicle, the licence number thereof;
  - (f) if he or she has not already reported the accident to a police or traffic officer at the scene of the accident, and unless he or she is incapable of doing so by reason of injuries sustained by him or her in the accident, as soon as is reasonably practicable, and in the case where a person is killed or injured, within 24 hours after the occurrence of such accident, or in any other case on the first working day after the occurrence of such accident, report the accident to any police officer at a police station or at any office set aside by a competent authority for use by a traffic officer, and there produce his or her driving licence and furnish his or her identity number and such information as is referred to in paragraph (e); and
  - (g) not, except on the instructions of or when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor or drug having a narcotic effect unless he or she has complied with the provisions of paragraph (f), where it is his or her duty to do so, and has been examined by a medical practitioner if such examination is required by a traffic officer.
- (2) No person shall remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest, until such removal has been authorised by a traffic officer, except when such accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved may, without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.
- (3) Subject to subsection (2), no person shall remove a vehicle involved in an accident from the scene of such accident, except for the purpose of sufficiently allowing the passage of traffic, without the permission of the owner, driver or operator of such vehicle or a person who may lawfully take possession of such vehicle.
- (4) In any prosecution for a contravention of any provision of this section it shall be presumed, in the absence of evidence to the contrary, that the accused was aware of

the fact that the accident had occurred, and that he or she did not report the accident or furnish the information as required by subsection (1) (f).

- (5) In this section the word “animal” means any bovine animal, horse, ass, mule, sheep, goat, pig, ostrich or dog.

**Sec 62. Garage to keep record of motor vehicle involved in accident**

- (1) Any person in charge of a garage or other place where motor vehicles are repaired, and to which any motor vehicle showing signs or marks of having been involved in an accident is brought, for the purpose of the repair of such signs or marks, shall, as soon as possible before the repair is commenced with, keep a record specifying the nature of such signs or marks, the engine number, chassis number and the registration or similar mark and number, and if known, the name and address of the owner and driver, of such vehicle.
- (2) A person required to keep a record in terms of subsection (1) shall retain such record for a period of three years from the date on which it was made, and any such record shall, on request, be produced to a traffic officer.

**CHAPTER XI**  
**RECKLESS OR NEGLIGENT DRIVING, INCONSIDERABLE DRIVING,**  
**DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING**  
**LIQUOR OR A DRUG HAVING A NARCOTIC EFFECT, AND**  
**MISCELLANEOUS OFFENCES**

**Sec 63. Reckless or negligent driving**

- (1) No person shall drive a vehicle on a public road recklessly or negligently.
- (2) Without restricting the ordinary meaning of the word “recklessly” any person who drives a vehicle in wilful or wanton disregard for the safety of persons or property shall be deemed to drive that vehicle recklessly.
- (3) In considering whether subsection (1) has been contravened, the court shall have regard to all the circumstances of the case, including, but without derogating from the generality of subsection (1) or (2), the nature, condition and use of the public road upon which the contravention is alleged to have been committed, the amount of traffic which at the relevant time was or which could reasonably have been expected to be upon that road, and the speed at and manner in which the vehicle was driven.

**Sec 64. Inconsiderate driving**

No person shall drive a vehicle on a public road without reasonable consideration for any other person using the road.

**Sec 65. Driving while under the influence of intoxicating liquor or drug having narcotic effect, or with excessive amount of alcohol in blood or breath**

- (1) No person shall on a public road—
  - (a) drive a vehicle; or
  - (b) occupy the driver’s seat of a motor vehicle the engine of which is running, while under the influence of intoxicating liquor or a drug having a narcotic effect.
- (2) No person shall on a public road—
  - (a) drive a vehicle; or
  - (b) occupy the driver’s seat of a motor vehicle the engine of which is running, while the concentration of alcohol in any specimen of blood taken from any part of his or her body is not less than 0,05 gram per 100 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres.
- (3) If, in any prosecution for an alleged contravention of a provision of subsection (2), it is proved that the concentration of alcohol in any specimen of blood taken from any part of the body of the person concerned was not less than 0,05 gram per 100 millilitres at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,05 gram per 100 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millimetres, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,02 gram per 100 millilitres at the time of the alleged contravention.

- (4) Where in any prosecution in terms of this Act proof is tendered of the analysis of a specimen of the blood of any person, it shall be presumed, in the absence of evidence to the contrary, that any syringe used for obtaining such specimen and the receptacle in which such specimen was placed for despatch to an analyst, were free from any substance or contamination which could have affected the result of such analysis.
- (5) No person shall on a public road—
  - (a) drive a vehicle; or
  - (b) occupy the driver's seat of a motor vehicle the engine of which is running, while the concentration of alcohol in any specimen of breath exhaled by such person is not less than 0,24 milligrams per 1 000 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1 000 millilitres.
- (6) If, in any prosecution for a contravention of a provision of subsection (5), it is proved that the concentration of alcohol in any specimen of breath of the person concerned was not less than 0,24 milligrams per 1 000 millilitres of breath taken at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,24 milligrams per 1 000 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1 000 millilitres, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than 0,10 milligrams per 1 000 millilitres at the time of the alleged contravention.
- (7) For the purposes of subsection (5) the concentration of alcohol in any breath specimen shall be ascertained by using the prescribed equipment.
- (8) Any person detained for an alleged contravention of any provision of this section shall not—
  - (a) during his or her detention consume any substance that contains alcohol of any nature, except on the instruction of or when administered by a medical practitioner;
  - (b) during his or her detention smoke until the specimen referred to in subsection (3) or (6) has been taken, as the case may be.
- (9) No person shall refuse that a specimen of blood, or a specimen of breath, be taken of him or her.

***Equipment used in ascertaining concentration of alcohol in breath***

**Reg 332.** (1) *The following equipment are prescribed equipment in terms of section 65(7) of the Act, complies with SABS 1793: Evidential Breath Testing Equipment or SANS 1793: Evidential Breath Testing Equipment and may be used to ascertain the concentration of alcohol in breath -*

- (a) *Dräger Alcotest 7110 MK III Part No 8314647 (Germany);*
- (b) *Dräger Alcotest 7110 MK IV Part No 35307791 (Australia); and*
- (c) *Intoxilyzer 8000.*

- (2) *In any prosecution for an offence under section 65(5) of the Act, a certified copy of a certificate issued by the manufacturer or supplier of the equipment referred to in subregulation (1) or (3), that contains the make and model of the equipment and a statement that such equipment is of such make and model and complies with the requirements of the specifications referred to in subregulation (1), shall in absence*

*of evidence to the contrary, by mere production thereof, be prima facie evidence that such equipment is of such make and model and complies with such specifications.*

- (3) *Notwithstanding the provisions of subregulation (1), any equipment that is not referred to such subregulation, shall be considered prescribed equipment in terms of section 65(7), subject to such equipment being type-approved in terms of SANS 1793: Evidential breath testing equipment as contemplated in subregulation (4).*
- (4) *For the purpose of this regulation, type-approved and type-approval means that one example of a specific make and model of equipment has been tested in terms of SANS 1793: "Evidential Breath Testing Equipment" by a test laboratory accredited by the South African National Accreditation System (SANAS) for such purpose, and a test report indicating compliance with such specification is issued to the manufacturer or supplier in respect of such make and model of equipment.*

***"Presumption regarding calibration or verification certificate for equipment used for road traffic law enforcement purposes***

**Reg. 332A.** *Where in any prosecution for an alleged offence in terms of this Act, it is necessary to prove that any equipment used for road traffic law enforcement purposes, was calibrated or verified to establish the accuracy and traceability, of such equipment, a certificate issued by a laboratory that is accredited for the purpose of issuing such certificates and conducting the tests required for such calibration or verification, by the South African National Accreditation System (SANAS), shall in absence of evidence to the contrary, by mere production thereof be prima facie evidence as to such calibration or verification.*

**Sec 66. Unauthorised acts in relation to vehicle**

- (1) No person shall, without reasonable cause or without the consent of the owner, operator or person in lawful charge of a vehicle—
  - (a) set the machinery thereof in motion;
  - (b) place such vehicle in gear;
  - (c) in any way tamper with the machinery, accessories or parts of such vehicle;  
or
  - (d) enter or climb upon such vehicle.
- (2) No person shall ride in or drive a vehicle without the consent of the owner, operator or person in lawful charge thereof.
- (3) No person shall without lawful excuse tamper with a vehicle or with any part of the equipment or the accessories of any vehicle or wilfully damage it, or throw any object at any such vehicle.
- (4) No person shall without the written consent of a registering authority remove, alter, obliterate or mutilate the engine number or chassis number, or any part of such engine number or chassis number, of a motor vehicle or allow it to be removed, altered, obliterated or mutilated.

**Sec 67. Furnishing false information prohibited**

Without derogating from any other provision of this Act, no person shall—

- (a) in connection with any application under this Act; or

- (b) in connection with the furnishing of any information which, to his or her knowledge, is to be or may be used for any purpose in terms of this Act,  
make a declaration or furnish information which to his or her knowledge is false or in any material respect misleading.

**Sec 68. Unlawful acts in relation to number plates, registration number, registration mark or certain documents**

- (1) No person shall use, display or manufacture any number plate which does not comply with the prescribed specifications.
- (2) No person shall—
- (a) falsify or counterfeit or, with intent to deceive, replace, alter, deface or mutilate or add anything to a licence number or a licence mark or a similar number or mark issued by a competent authority outside the Republic; or
- (b) be in possession of such number or mark which has been falsified or counterfeited or so replaced, altered, defaced or mutilated or to which anything has been so added.
- (3) No person shall—
- (a) falsify or counterfeit or, with intent to deceive, replace, alter, deface or mutilate or add anything to a certificate, licence or other document issued or recognised in terms of this Act;
- (b) be in possession of such certificate, licence or other document which has been falsified or counterfeited or so replaced, altered, defaced or mutilated or to which anything has been so added; or
- (c) produce any document to be used for the purposes of this Act which differs in format or in content from a document prescribed under this Act.
- (4) No person shall—
- (a) use a certificate, licence or other document issued or recognised in terms of this Act and of which he or she is not the holder; or
- (b) permit such certificate, licence or other document of which he or she is the holder to be used by any other person.
- (5) Where in a prosecution for a contravention of subsection (2) (b) or (3) (b) it is proved that a person was found in possession of a licence number or a licence mark or a similar number or mark or a document which has been falsified or counterfeited or replaced, altered, defaced or mutilated or to which anything has been added, it shall, in the absence of evidence to the contrary, be presumed that such person knew that—
- (a) such number, mark or document was—
- (i) falsified or counterfeited; or
- (ii) replaced, altered, defaced or mutilated with intent to deceive; or
- (b) whatever was added to such number, mark or document was added thereto with intent to deceive.
- (6) No person shall—
- (a) with intent to deceive, falsify, replace, alter, deface, mutilate, add anything to or remove anything from or in any other way tamper with the engine or chassis number of a motor vehicle; or
- (b) without lawful cause be in possession of a motor vehicle of which the engine or chassis number has been falsified, replaced, altered, defaced,

mutilated, or to which anything has been added, or from which anything has been removed, or has been tampered with in any other way.

- (7) Where in a prosecution for a contravention of any provision of subsection (6) it is proved that a person was found in possession of a motor vehicle, the engine or chassis number of which has been falsified, replaced, altered, defaced, mutilated, or to which anything has been added or removed or has in any way been tampered with, it shall, in the absence of evidence to the contrary, be presumed that such person knew that any such act has been committed in respect of such a number with intent to deceive.



## **CHAPTER XII**

### **PRESUMPTIONS AND LEGAL PROCEDURE**

**Sec 69. Presumptions regarding public road, freeway and public road in urban area**

- (1) Where in any prosecution in terms of this Act it is alleged that an offence was committed on a public road, the road concerned shall, in the absence of evidence to the contrary, be presumed to be a public road.
- (2) Where in any prosecution in terms of this Act it is alleged that an offence was committed on a freeway, the road concerned shall, in the absence of evidence to the contrary, be deemed to be a freeway.
- (3) Where in any prosecution in terms of this Act it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, in the absence of evidence to the contrary, be presumed to be a public road in an urban area.

**Sec 70. Presumption regarding mass ascertained by means of mass-measuring bridge or other mass-measuring instrument**

Where in any prosecution for an alleged contravention of any provision of this Act, evidence to prove such contravention is tendered of any mass as ascertained by means of a mass-measuring bridge or other mass-measuring instrument, such mass shall be deemed to be correct in the absence of evidence to the contrary.

**Sec 71. Presumption regarding gross vehicle mass of motor vehicle**

Where in any prosecution in terms of this Act it is alleged that an offence was committed in relation to the gross vehicle mass of a motor vehicle, the mass so alleged shall, in the absence of evidence as contemplated in section 70, be presumed, in the absence of evidence to the contrary, to be the gross vehicle mass of such vehicle.

**Sec 72. Proof of gross vehicle mass of motor vehicle**

Any document purporting to have been issued by a manufacturer and stating the gross vehicle mass of any particular model of motor vehicle manufactured by such manufacturer, shall be *prima facie* proof as to the gross vehicle mass of such model.

**Sec 73. Presumption that owner drove or parked vehicle**

- (1) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this Act, it is necessary to prove who was the driver of such vehicle, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- (2) Whenever a vehicle is parked in contravention of any provision of this Act, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- (3) For the purposes of subsections (1) and (2) and section 88 it shall be presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, or used as contemplated in that section by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

**Sec 74. Presumption regarding officers**

In any prosecution in terms of this Act, the fact that any person purports to act or has purported to act as a traffic officer, an inspector of licences, an examiner of vehicles or an examiner for driving licences, shall be *prima facie* proof of his or her appointment and authority so to act: Provided that this section shall not apply to a prosecution on a charge for impersonation.

**Sec 74A. Act or omission of manager, agent or employee of consignor and consignee**

- (1) Whenever any manager, agent or employee of a consignor or consignee, as the case may be, does or fails to do anything which, if the consignor or consignee had done or failed to do it, would have constituted an offence in terms of this Act, the consignor or consignee, as the case may be, shall be regarded to have committed the act or omission personally in the absence of evidence indicating—
  - (a) that he or she did not connive at or permit such act or omission;
  - (b) that he or she took all reasonable measures to prevent such act or omission; and
  - (c) that such act or omission did not fall within the scope of the authority of or in the course of the employment of such manager, agent or employee, and be liable to be convicted and sentenced in respect thereof.
- (2) In the circumstances contemplated in subsection (1) the conviction of the consignor or consignee shall not absolve the manager, agent or employee in question from liability or criminal prosecution.

**Sec 74B. Proof of certain facts**

- (1) In any prosecution under this Act, a goods declaration or any other document relating to the load of a vehicle and confiscated from such vehicle shall be proof of the matters stated in such document unless credible evidence to the contrary is adduced.
- (2) A copy of or extract from any document referred to in subsection (1), and certified as a true copy or extract by the officer in whose custody the original document is, shall, unless credible evidence to the contrary is adduced, be admissible as evidence and be proof of the truth of all matters stated in such document without the requirement of having to produce the original document from or of which such extract or copy was made.

## **CHAPTER XIII REGULATIONS**

### **POWER OF MINISTER TO MAKE REGULATIONS**

(Section 75)

*[Government Gazette 30365, Notice nr: 942, published 10 October 2007]*

#### **THEORY TEST FOR LEARNER'S LICENCE**

Jeffrey Thamanqa Radebe, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) incorporated into the National al Road Traffic Act, 1996 (Act No. 93 of 1996) the "Theory Test for Learner's Licence, with which an Examiner for Driving Licences shall test an applicant for a Learner's Licence.

### **POWER OF MINISTER TO MAKE REGULATIONS**

(Section 75)

*[Government Gazette 30365, Notice nr: 943, published 10 October 2007]*

#### **EXEMPTION TO USE SHOULDER LANE TO BE REFERRED AS DEDICATED PUBLIC TRANSPORT OR HIGH OCCUPANCY VEHICLES LANES**

Jeffrey Thamanqa Radebe, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) granted exemption for a period of a week beginning on 15 October 2007 and ending on 19 October 2007, excluding weekends, in which the shoulder lane referred to as emergency lane, on the N14 (Ben Schoeman) ending at the Brakfontein interchange; on N1 after the Brakfontein interchange ending at the Buccleugh interchange; and on the M1 after the Buccleugh interchange ending at the St Andrews exit road, shall be deemed to be "DEDICATED PUBLIC TRANSPORT VEHICLES and HIGH OCCUPANCY VEHICLES LANE.

### **POWER OF MINISTER TO MAKE REGULATIONS**

(Section 75)

*[Government Gazette 30365, Notice nr: 953, published 10 October 2007]*

#### **EXEMPTION TO USE SHOULDER LANE TO BE REFERRED AS DEDICATED PUBLIC TRANSPORT OR HIGH OCCUPANCY VEHICLES LANES**

Jeffrey Thamanqa Radebe, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) granted exemption for a period of a week beginning on 15 October 2007 and ending on 19 October 2007, excluding weekends, in which the shoulder lane referred to as emergency lane, on the M1 after the St Andrews road on ramp; on the N1 after the Buccleugh interchange ending at the Brakfontein interchange; on the N14 (Ben Schoeman) after the Brakfontein interchange, shall be deemed to be "DEDICATED PUBLIC TRANSPORT VEHICLES and HIGH OCCUPANCY VEHICLES LANE.

**DELEGATION OF THE POWERS TO THE MEMBER OF THE EXECUTIVE COUNCIL  
RESPONSIBLE FOR TRANSPORT, COMMUNITY SAFETY AND LIAISON IN THE  
PROVINCE OF KWAZULU NATAL**

**(Section 75(1))**

[Published in *Government Gazette* 34340, GNR.329 of 31 May 2011]

I, **S'busiso Joel Ndebele**, Minister of Transport, acting in terms of section 75(1) of the National Road Traffic Act, 1996, (Act No. 93 of 1996) by virtue of the powers vested in me by section 82 of the National Road Traffic Act, 1996, delegate to the Member of the Executive Council responsible for Transport, Community Safety and Liaison in the Province of KwaZulu Natal the powers to conduct investigation on the issuance of all the Roadworthy Certificates issued in another Province in respect of motor vehicle registered and licensed in the Province of KwaZulu Natal.

**Sec 75. Power of Minister to make regulations**

- (1) The Minister may after a decision has been taken in the Shareholders Committee make regulations not inconsistent with this Act, in respect of any matter contemplated, required or permitted to be prescribed in terms of this Act and generally regarding the operation of any vehicle on a public road, the construction and equipment of such vehicle and the conditions on which it may be operated, and in any other respect for the better carrying out of the provisions or the achievement of the objects of this Act, and in particular, but without derogating from the generality of this subsection, regarding—
- (a) the safety of traffic on a public road, including the restriction of the use of any such road or part thereof by such traffic and the duties of the users of any such road;
  - (b) the identification of vehicles or parts of vehicles and, in relation to a motor vehicle, the size and shape of the licence mark or number to be displayed in terms of this Act and the means to be applied to validate such mark or number and to render any such mark or number easily distinguishable, whether by night or by day, when any such vehicle is operated on a public road;
  - (c) the width, height and length of any vehicle, and the diameter of the wheels and the width, nature and condition of the tyres when operated on a public road;
  - (d) the maximum mass, laden or unladen, of any vehicle, the height and width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the extent to which any load may project in any direction and the maximum mass of any vehicle or any part thereof supported by the road or any specified area thereof, when any such vehicle is operated on a public road;

*Section 75(1)(d)*

*[Government Gazette No: 34621, Notice number 776, dated 20 September 2011]*

**EXEMPTION OF MOTOR VEHICLES THAT DOES NOT COMPLY WITH THE  
HEIGHT RESTRICTION IN TERMS OF THE  
NATIONAL ROAD TRAFFIC ACT, 1996.**

I, **S'busiso Joel Ndebele**, Minister of Transport, acting in terms of section 75(1)(d) of the National Road Traffic Act, 1996, exempt the operation of motor vehicles transporting an ISO Container from complying with the provision of regulation 224(b) of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996) for the period of 7 (seven) years effective from the date of publication of this Notice until **1 January 2019**.

(Signed)

**S'busiso Joel Ndebele**

**MINISTER OF TRANSPORT**

- (e) the emission of exhaust gas, smoke, fuel, oil, visible vapours, sparks, ash or grit from any vehicle operated on a public road;
- (f) excessive noise owing to the design or condition of any vehicle or the loading thereof, or to the design, condition or misuse of a silencer, or of a hooter, bell or other warning device, when any such vehicle is operated on a public road;
- (g) the particulars to be marked on any vehicle;
- (h) dangerous goods—
  - (i) the classification of dangerous goods;
  - (ii) the powers and duties of traffic officers in respect of the transportation of dangerous goods;
  - (iii) the manner in and conditions on which specified dangerous goods may be transported;
  - (iv) the dangerous goods which may not be transported; and
  - (v) the training of persons performing any task in relation to the transportation of dangerous goods on public roads;
- (i) the towing, pushing or drawing of any vehicle by another vehicle on a public road;
- (j) the conditions on which any motor vehicle fitted with steering apparatus on the left side may be imported into the Republic or operated on a public road including the power to prohibit the operation of such vehicle on a public road;
- (k) the number, nature and kind of lamps, including retro-reflectors, to be carried by any vehicle operated on a public road, the position in which they shall be the manner, conditions and times of their use and the use of any lamp or lighting device which may endanger public safety and, for the purposes of this paragraph, “retro-reflector” means a reflector which bears a certification mark as defined in section 1 of the Standards Act, 1993 (Act No. 29 of 1993), or which bears any other prescribed identification mark;
- (l) the number and nature of brakes and for ensuring that brakes, silencers and steering apparatus shall be efficient and in proper working order, in respect of any vehicle operated on a public road;
- (m) the regulation of the operation and control of any vehicle on a public road, its construction, equipment, width of tracks, dimensions, mass and use in

respect of either chassis and body or chassis, body and load and the conditions on which it may be used;

- (n) in relation to a vehicle operated on a public road, the devices to be fitted for—
  - (i) signalling the approach thereof;
  - (ii) enabling the driver thereof to become aware of the approach of another vehicle from the rear; and
  - (iii) indicating any intended movement thereof,and the use of any such devices and for ensuring that they shall be efficient and kept in proper working order;
- (o) the protection of any public road, the mass, tyres and load of any vehicle in relation to any specified bridge or ferry, the time when and speed at which any vehicle of a specified mass may be allowed to cross any bridge or ferry, and the furnishing of security by any person against damage to any public road by reason of heavy traffic, and making good the cost of repairing such damage;
- (p) the stopping with and parking of vehicles on public roads;
- (q) the rules of the road that shall apply to all public roads;
- (r) an accident reporting system and the furnishing of accident reports and statistics of any nature; and
- (s) the determination of the number of passengers for the transport of which a certain class of motor vehicle is adapted and the number which may be transported, the general safety, comfort and convenience of passengers carried on or by such a motor vehicle and the conduct of the driver, conductor and passengers on such a vehicle;
- (t) the specifications for the examination of any vehicle;
- (u) any light which may interfere with the proper view of any road traffic sign or may be confused with any such sign;
- (v) the method of determining any fact which is required for the purposes of this Act;
- (w) any form, process or token which the Minister may deem expedient for the purposes of this Act and the nature and extent of any information to be furnished for the purpose of any such form;
- (x) the issue of any duplicate certificate, licence or other documentation or token issued in terms of this Act if the original has been lost, destroyed or defaced or any particulars thereon have become illegible;
- (y) the carriage of persons as passengers on any vehicle which has been constructed or designed solely or mainly for the carriage of goods and not for the carriage of passengers and their effects;
- (z) the additional duties for operators of specified classes of motor vehicles or operators engaged in activities which require additional safety measures for the protection of the public; and
- (zA) any matter for which-
  - (i) it is necessary or convenient to assist the transition from the operation of the laws repealed by this Act to the operation of this Act; and

- (ii) this Act does not, in the Minister's opinion, make provision or enough provision.
  - (zB) the regulation of any person who offers goods for transportation on a public road or accepts goods after transportation, in relation to the mass of such goods, the documentation relating to such goods, the agreements that have to be concluded for such transportation, insurance in respect of the transportation of such goods and any other matter relating to the offering of goods for transportation or the acceptance of transported goods;
  - (zC) the criteria in terms of which a person is classified as an habitual overloader, the offences to which such classification applies, the criteria for rehabilitation, if necessary and the sanctions for classification as an habitual overloader;
  - (zD) the equipment to be used for law enforcement purposes, the certification of such equipment and requirements in respect of records obtained from the equipment;
  - (zE) measures to limit speed; and
  - (zF) those vehicles which shall be classified as an **'emergency medical response vehicle'**.
- (2) Regulations made by the Minister under subsection (1) regarding—
- (a) specific categories—
    - (i) of road transport undertakings;
    - (ii) of industries or trades or occupations concerned with road transport;
    - (iii) of persons by whom any undertaking or occupation referred to in subparagraphs (i) and (ii) is carried on or exercised; or
    - (iv) of operators of vehicles concerned with, or new entrants to, any undertaking or occupation referred to in subparagraph (iii);
  - (b) specific circumstances in which any undertaking or occupation referred to in paragraph (a) (iii) is carried on or exercised; or
  - (c) specific areas in which any undertaking or occupation referred to in paragraph (a) (iii) is carried on or exercised,
- shall be so made by the Minister with due regard to the particular requirements of the category, circumstance or area concerned.
- (2A)
- (a) A regulation made under subsection (1) (zA) may be given retrospective effect from a date earlier than the day this Act comes into force.
  - (b) To the extent to which a regulation under subsection (1) (zA) takes effect from a date earlier than the date of its publication in the Gazette, the regulation does not operate so as—
    - (i) to affect in a prejudicial manner the rights of any person existing before that date of publication; or
    - (ii) to impose liabilities on any person in respect of anything done or omitted to be done before that date of publication.
  - (c) This subsection and subsection (1) (zA) expire one year after they come into force.

- (2B) A regulation made under subsection (1) (zF) shall be so made after consultation with the Minister of Health.
- (3)
  - (a) The power to make regulations for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose either absolutely or conditionally.
  - (b) Any regulation regarding driving licences contained in identity documents shall be made in consultation with the Minister of Home Affairs.
- (4) Any regulation may be made to apply generally throughout the Republic or within any specified area thereof or to any specified class or category of vehicle or person.
- (5) A regulation may provide for penalties for a contravention thereof and for different penalties in the case of successive or continuous contraventions, but no penalty shall—
  - (a) in the case of a contravention of a regulation made under subsection (1) (d), (l) or (n), exceed a fine or imprisonment for a period of six years; or
  - (b) in the case of a contravention of any other regulation, exceed a fine or imprisonment for a period of one year.
- (6) Before the Minister makes any regulation, the Minister must cause a draft of the proposed regulations—
  - (a) to be referred to Parliament for comment; and
  - (b) at the same time, to be published in the *Gazette* together with a notice calling upon all interested persons to lodge in writing, and within a period specified in the notice, but not less than four weeks as from the date of publication of the notice, any objections or representations which they would like to raise or make, with the Director-General for submission to the Minister:

Provided that, if the Minister thereafter decides to alter the draft regulation as a result of any objections or representations submitted thereafter, it shall not be necessary to publish such alterations before making the regulations.

#### **Sec 76. Incorporation of standards by reference**

- (1) The Minister may by notice in the *Gazette* incorporate in the regulations any standard without stating the text thereof, by mere reference to the number, title and year of issue of that standard or to any particulars by which that standard is sufficiently identified.
- (2) Any standard incorporated in the regulations under subsection (1) shall for the purposes of this Act, in so far as it is not inconsistent with it, be deemed to be a regulation.
- (3) A notice under subsection (1) shall come into operation on a date specified in the notice, but not before the expiry of 30 days after the date of publication of the notice.
- (4) If any standard incorporated in the regulations is amended or replaced, such standard shall remain in force until such time that the Minister by notice in the *Gazette* re-incorporate the amended or replaced standard.
- (5) In this section “standard” means any code of practice, compulsory specification, specification, standard or standard method adopted by the SABS, as defined in section 1 of the Standards Act, 1993 (Act No. 29 of 1993).



## SECTION 76

### INCORPORATION OF STANDARDS SPECIFICATION INTO THE NATIONAL ROAD TRAFFIC REGULATION

The Minister of Transport (Jeffrey Thamsanqa Radebe), acting in terms of section 76 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) re-incorporate SANS 1518-2003 into the National Road Traffic Regulation, 2000. 01 July 2007 is determined as the date of incorporation.

*[Government Gazette No: 29389, Notice number 1147, dated 15 November 2006]*

The Minister of Transport (Jeffrey Thamsanqa Radebe), acting in terms of section 76 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) re-incorporate SANS 10231-2003 into the National Road Traffic Regulation, 2000.

*[Government Gazette No: 29390, Notice number 1148, dated 15 November 2006]*

I, Sibusiso Joel Ndebele, Minister of Transport, acting in terms of section 76 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), hereby incorporate SANS 1518:2011 and SANS 10233:2011 into the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996).

*[Government Gazette No: 35106, Notice number 191, dated 5 March 2012]*

## Part II

### Equipment on or in respect of vehicles

#### ***Brakes on motor vehicles***

**Reg 149.** *No person shall operate on a public road a motor vehicle, other than a motor cycle, motor tricycle, motor quadracycle or trailer which is not equipped with a service brake, a parking brake and an emergency brake: Provided that—*

- (a) the emergency brake and parking brake may be one and the same brake; and*
- (b) in the case of—*
  - (i) a motor vehicle which is equipped with a service brake consisting of two braking systems, such brake shall, when the systems brake the wheels independently, be deemed to be an emergency brake;*
  - (ii) a steam or electrically driven motor vehicle of which the engine or motor can be reversed, the reversing mechanism may be used instead of an emergency brake; and*
  - (iii) a tractor, the brakes may be so constructed that the service brake may be used as a parking brake.*

#### ***Anti-theft device fitted to brakes prohibited***

**Reg 149A.** *No person shall operate on a public road a motor vehicle which, according to the registration certificate thereof, was registered for the first time on or after 1 July 1990, to which is fitted an anti-theft device which is connected to or in anyway interferes with the braking system of such vehicle.*

#### ***Brakes on motor cycle or motor tricycle***

**Reg 150.** *No person shall operate on a public road a motor cycle or motor tricycle which is not equipped with two independent braking systems, one of which shall act on the front wheel or wheels and the other which shall act on the rear wheel or wheels and each such system shall have an efficiency at least equivalent to that specified for an emergency brake and when the two systems are applied simultaneously, the combined efficiency shall be*

*at least equivalent to that specified for a service brake.*

### ***Brakes on trailers***

**Reg 151.** (1) *Subject to the provisions of subregulation (4) no person shall operate on a public road a trailer, if—*

- (a) *the gross vehicle mass of such trailer does not exceed 750 kilograms and the gross vehicle mass —*
  - (i) *does not exceed half the tare of the drawing vehicle, unless such trailer is equipped with a parking brake or other device to keep such trailer stationary;*
  - (ii) *exceeds half the tare of the drawing vehicle but does not exceed such tare, unless such trailer is equipped with a parking brake and either a service brake or an overrun brake; or*
  - (iii) *exceeds the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and a service brake;*
- (b) *the gross vehicle mass of such trailer exceeds 750 kilograms but does not exceed 3 500 kilograms and the gross vehicle mass —*
  - (i) *does not exceed the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake; or*
  - (ii) *exceeds the tare of the drawing vehicle, unless the trailer is equipped with a parking brake and a service brake;*
- (c) *the gross vehicle mass of the trailer exceeds 3 500 kilograms, unless such trailer is equipped with a parking brake and a service brake,*

*and where more than one trailer is drawn by a drawing vehicle, the foregoing requirements shall apply in respect of each such trailer, and in such event the gross vehicle mass shall be construed as the total of the gross vehicle mass of all trailers so drawn.*

- (2) *The service brake of a trailer shall be capable of being operated by the driver of the drawing vehicle while such trailer and drawing vehicle are in motion.*
- (3) *If the service or overrun brake of a trailer is capable of being used as a parking brake, a separate parking brake need not be fitted to such trailer.*
- (4) *Notwithstanding subregulation (1) (c), if a trailer referred to in that subregulation is drawn by a tractor and such tractor is not designed for or capable of operation at a speed exceeding 40 kilometres per hour on a reasonably level road, such trailer may be equipped with an overrun brake in lieu of a service brake.*

### ***Brakes on pedal cycles***

**Reg 152.** *No person shall operate on a public road any pedal cycle unless it is equipped with at least one brake which shall operate on the rear wheel or wheels.*

### ***Brakes on unspecified vehicles***

**Reg 153.** *No person shall operate on a public road any vehicle for which no specific braking system is prescribed in regulations 149 to 156, unless it is equipped with a parking brake or other device for keeping such vehicle stationary.*

### ***Specifications for brakes***

- Reg 154.** (1) *Subject to the provisions of subregulation (2), no person shall, after 1 January 1995, operate on a public road, a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus, bus or tractor which was registered for the first time on or after 1 January 1986, unless the brakes fitted to such vehicle comply with the standard specification SABS 1207 "Motor Vehicle Safety Standard Specification for Braking", the standard specification SABS 1051 "Motor Vehicle Safety Specification for Braking" or, in the case of a trailer with a gross vehicle mass exceeding 3500 kilograms and registered for the first time on or after 14 February 2004, the specification SABS ECE R13 "Uniform provision concerning approval of vehicle categories N, M and O with regard to braking.*
- (2) *No person shall operate on a public road a tractor which is not designed for, or capable of operating at a speed exceeding 40 kilometres per hour on a reasonably level road, or a trailer drawn by such tractor, which is registered for the first time on or after 1 July 1999, unless the brakes fitted to such tractor or trailer comply with the standard specification SABS 1447 "Motor Vehicle Safety Specification for Braking (motor and towed vehicles, designed for low speed or for use off public roads)" Part 1: "Tractors" and Part 2: "Trailers" or the standard specification SABS 1207 "Motor Vehicle Safety Standard Specification for Braking", or the standard specification SABS 1051 "Motor Vehicle Safety Specification for Braking".*
- (3) *a minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, and registered for the first time after 04 September 2006, shall comply with the requirements of the Type II test contemplated in SANS 1207 "Braking" or SANS 20013 "Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to Braking.*
- (4) *No person shall operate on a public road a rapid transport bus or a rapid transport bus-train unless it complies with the requirements of SANS 20013 "Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to braking.*

### ***Braking performance of service, emergency and parking brakes***

- Reg 155.** (1) *No person shall operate on a public road a motor vehicle or a combination of motor vehicles which, in terms of these regulations is required to be equipped with—*
- (a) *a service brake, unless such brake at all times—*
- (i) *in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 40 kilometres per hour, when it is applied from an initial speed of 40 kilometres per hour, complies with the requirements for braking performance set out in Table A hereunder; or*
- (ii) *in the case of a motor vehicle or a combination of motor vehicles which is not capable of exceeding a speed of 35 kilometres per hour, when it is applied from the maximum speed which such*

vehicle or combination is capable of attaining, complies with the requirements for braking performance set out in Table B hereunder.

- (b) an emergency brake, unless such brake at all times—
  - (i) in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 35 kilometres per hour, when it is applied from an initial speed of 35 kilometres per hour, complies with the requirements for braking performance set out in Table C hereunder; or
  - (ii) in the case of a motor vehicle or a combination of motor vehicles which is not capable of exceeding a speed of 35 kilometres per hour when it is applied from the maximum speed which such vehicle or combination is capable of attaining, complies with the requirements for braking performance set out in Table D hereunder; or
- (c) a parking brake, unless such brake, at all times, is capable of keeping such vehicle or combination stationary for an indefinite period with the engine disengaged on a gradient of not more than one in 8,33.

#### **REQUIREMENTS FOR BRAKING PERFORMANCE**

**TABLE A**

##### **SERVICE BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES CAPABLE OF EXCEEDING SPEED OF 40 km/h**

	<i>Initial speed in km/h</i>	<i>Maximum Stopping distance in m</i>	<i>Minimum deceleration in m/s<sup>2</sup></i>	<i>Minimum equivalent braking force in N/kg</i>
<i>Light motor vehicle</i>	35	14	4,4	4,4
<i>Heavy motor vehicle</i>	35	16	4,4	4,4

**TABLE B**

##### **SERVICE BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR VEHICLES NOT CAPABLE OF EXCEEDING SPEED OF 40 km/h**

<i>Maximum initial speed in km/h</i>	<i>Maximum stopping distance in m</i>	<i>Minimum deceleration in m/s<sup>2</sup></i>	<i>Minimum equivalent braking force in N/kg</i>
15	7	1,9	1,9
20	11	1,9	1,9
25	16	1,9	1,9
30	23	1,9	1,9
35	30	1,9	1,9

**TABLE C**

**EMERGENCY BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR  
VEHICLES CAPABLE OF EXCEEDING SPEED OF 40 km/h**

	<i>Initial speed in km/h</i>	<i>Maximum Stopping distance in m</i>	<i>Minimum deceleration in m/s<sup>2</sup></i>	<i>Minimum equivalent braking force in N/kg</i>
<i>Light or heavy motor vehicle</i>	35	30	1,9	1,9

**TABLE D**

**EMERGENCY BRAKE OF MOTOR VEHICLE OR COMBINATION OF MOTOR  
VEHICLES NOT CAPABLE OF EXCEEDING SPEED OF 40 km/h**

<i>Maximum initial speed in km/h</i>	<i>Maximum stopping distance in m</i>	<i>Minimum deceleration in m/s<sup>2</sup></i>	<i>Minimum equivalent braking force in N/kg</i>
15	12	0,95	0,95
20	20	0,95	0,95
25	29	0,95	0,95
30	41	0,95	0,95
35	55	0,95	0,95

- (2) Compliance with the requirements contemplated in subregulation (1)(a) and (b) shall be determined by—
  - (a) actual road tests conducted on a road with a reasonable level, dry, smooth and hard surface which is free from loose material and with the stopping distance measured from the moment the particular brake is applied with the engine disengaged until the vehicle comes to rest; or
  - (b) a suitable mechanical test; or
  - (c) both tests contemplated in paragraphs (a) and (b).
- (3) When testing a brake on a combination of motor vehicles, the brakes of the drawn vehicle or vehicles shall be applied at the same moment as the brakes of the drawing vehicle.
- (4) Where in any prosecution for a contravention of subregulation (1) the question arises whether a motor vehicle or a combination of motor vehicles travelled at a particular speed, the speed indicated by the speedometer of such vehicle or combination shall, in the absence of evidence to the contrary, be deemed to be correct.
- (5) For the purposes of this regulation—
  - (a) “light motor vehicle” means—
    - (i) a motor-car;

- (ii) *a motor vehicle with a gross vehicle mass not exceeding 3 500 kilograms; or*
- (iii) *any other motor vehicle with a tare not exceeding 3 500 kilograms, but does not include a bus, mini-bus or goods vehicle; and*
- (b) *“heavy motor vehicle” means a motor vehicle which is not a light motor vehicle.*

### ***Condition and operation of brakes***

**Reg 156.** (1) *A brake required in terms of these regulations, shall—*

- (a) *be in good working order and condition whenever the vehicle to which it is fitted is operated on a public road; and*
  - (b) *when tested in terms of regulation 155, except in the case of a motor cycle with side-car, act with approximately equal intensity on the wheels symmetrically placed in relation to the longitudinal centre-line of the vehicle.*
- (2) *No person shall operate on a public road a motor vehicle equipped with a service brake which is operated solely by air or vacuum pressure, unless there is fitted in the driving compartment of such vehicle a device (other than a gauge indicating pressure) whereby the driver of the vehicle is given visible or audible warning of incorrect air or vacuum pressure before the pressure becomes such that the brake is incapable of stopping the vehicle as contemplated in regulation 155.*
- (3) *If a drawn vehicle is equipped with a service brake operated solely by air or vacuum pressure, the device referred to in subregulation (2) shall be fitted in the driving compartment of the drawing vehicle.*

### ***Vehicles to be equipped with certain lamps and times when certain lamps to be lighted***

**Reg 157.** (1) *No person shall operate on a public road a motor vehicle unless—*

- (a) *all lamps fitted to a motor vehicle as contemplated in regulations 159 to 184 inclusive, are undamaged, properly secured, and capable of being lighted at all times; and*
  - (b) *the head lamps, rear lamps and number plate lamps are kept lighted during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres: Provided that the provisions of this paragraph shall not apply to a motor vehicle parked off the roadway of a public road or in a parking place demarcated by appropriate road traffic signs or within a distance of 12 metres from a lighted street lamp illuminating the public road on which such vehicle is parked.*
- (2) *No person shall operate on a public road a motor cycle, a motor cycle with a side car, a motor tricycle or motor quadrucycle, unless the headlamp of such vehicle is lighted at all times: Provided that the provisions of this subregulation shall not apply to a motor cycle, motor cycle with side car, motor tricycle or motor quadrucycle manufactured before 31 December 1960 which is used only during the period from sunrise to sunset.*

- (3) *A person operating a motor vehicle on a public road shall extinguish the main-beam of the light emitted by the head lamp of such vehicle if such main-beam could cause a dangerous glare to oncoming traffic.*

### **Visibility distance of lights**

- Reg 158.** (1) *Where provision is made in regulations 157 to 184, as to the distance from which certain lights and devices shall render objects visible or the distance within which such lights or devices shall be visible, such provision shall apply during the times stated in regulation 157(1)(b) in respect of a vehicle when upon a straight, reasonably level, unlighted public road in clear weather, unless a different time or condition is expressly stated.*
- (2) *Every lamp required to be fitted or to be used in terms of any of these regulations shall emit a light of sufficient brilliance to be visible from a distance of at least 150 metres to a person of normal eyesight.*

### **Head lamps**

- Reg 159.** (1) *No person shall operate on a public road—*
- (a) *a motor vehicle, other than a motor cycle, a motor tricycle with one wheel in front or trailer, unless it is equipped in front on each side of its longitudinal centre-line with—*
- (i) *one head lamp capable of emitting a main-beam and a dipped-beam;*
- (ii) *one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam; or*
- (iii) *one head lamp contemplated in subparagraph (i) or head lamps contemplated in subparagraph (ii) and an additional head lamp capable of emitting a main-beam;*
- (b) *a motor cycle without a side-car, motor tricycle with one wheel in front, unless it is equipped in front with—*
- (i) *one head lamp capable of emitting a main-beam and a dipped-beam;*
- (ii) *one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam, both of which are fitted in the same vertical plane; or*
- (iii) *two headlamps, each capable of emitting a main-beam and a dipped-beam, both of which are fitted in the same horizontal plane; or*
- (c) *a motor cycle with a side-car, unless—*
- (i) *the motor cycle is equipped in front with one head lamp contemplated in paragraph (b)(i) or head lamps contemplated in paragraph (b)(ii) or (iii); and*
- (ii) *the side-car is equipped with one parking lamp which complies with the provisions of regulation 164 or with one head lamp contemplated in paragraph (b)(i), subject to the proviso to*

*regulation 161(4)(a).*

- (2) *At least one head lamp contemplated in subregulation (1)(a) capable of emitting a dipped-beam or a parking lamp complying with the provisions of regulation 164 shall be so fitted on each side of the longitudinal centre-line of the motor vehicle concerned that the portion of the illuminating surface thereof furthest from the longitudinal centre-line of the motor vehicle is not more than 400 millimetres from the outer edge of the front of the motor vehicle.*
- (3) *The main-beam and dipped-beam of a head lamp fitted to a motor vehicle first registered on or after 1 January 2002, shall comply with the requirements of standard specification SABS 1046 "Motor vehicle safety specification for lights and light signalling devices installed on motor vehicles and trailers", and standard specification SABS 1376 "Lights for motor vehicles", Part 2: "Head lights".*

### **Main-beam**

**Reg 160.** *Every head lamp emitting a main-beam of light shall be so adjusted and maintained that—*

- (a) *it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 100 metres ahead; and*
- (b) *it can be extinguished by the use of a device which simultaneously shall cause or allow the dipped-beam of light to be emitted or continue to be emitted from a head lamp.*

### **Dipped-beam**

**Reg 161.** (1) *Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a beam pattern with a sharp, clearly defined cut-off line diagonal to the left (hereinafter referred to as the "diagonal cut-off line") and horizontal to the right (hereinafter referred to as the "horizontal cut-off line"), shall be so adjusted and maintained that, when the motor vehicle concerned is on a reasonably level road such beam at the horizontal cut-off line shall—*

- (a) *slant downwards at a percentage inclination of at least 0,5 per cent which percentage inclination shall be calculated in accordance with the formula—*

$$\frac{(h_1 - h_2)}{L} \times 100; \text{ and}$$

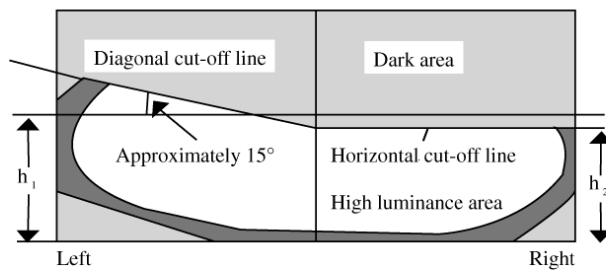
- (b) *strike the road surface ahead of the motor vehicle within a distance in metres calculated in accordance with the formula—*

$$200 \times h_1$$

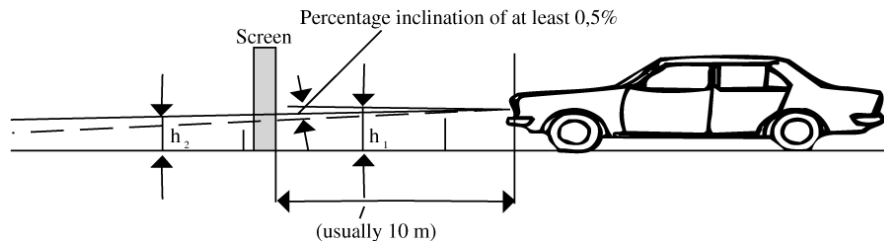
- (2) *In the formulae referred to in subregulation (1)—*

- (a) *"h<sub>1</sub>" represents the height in metres of the head lamp measured to the centre of the head lamp vertically from ground level;*
- (b) *"h<sub>2</sub>" represents the height in metres of the horizontal cut-off line measured vertically from ground level at the screen contemplated in subregulation (1); and*





Beam pattern as projected onto screen ahead of head lamp.



- (c) “L” represents the distance in metres of the screen contemplated in subregulation (1) measured horizontally from the head lamp as illustrated hereunder.
- (3) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a symmetrical light-pattern or does not have a diagonal and horizontal cut-off line, shall be so adjusted and maintained that when the motor vehicle concerned is on a reasonably level road, the centre of the intense part of such beam shall slant downwards to strike the road surface ahead of the motor vehicle within a distance not exceeding 45 metres.
- (4) Every head lamp emitting a dipped-beam of light shall be so adjusted and maintained that—
- it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 45 metres ahead of the motor vehicle: Provided that the provisions of this paragraph shall not apply to a head lamp emitting a dipped-beam of light fitted to the side-car of a motor cycle;
  - it does not cause a dangerous glare to oncoming traffic on a reasonably level road; and
  - the intersection of the diagonal and horizontal cut-off lines of a dipped-beam referred to in subregulation (1), or the centre of the intense part of a dipped beam referred to in subregulation (3), shall not deflect to the right.

### **Daytime running lamp**

**Reg 161A.** (1) Any motor vehicle, except a trailer, may be fitted with daytime running lamps.

(2) Daytime running lamps shall be fitted—

- not less than 250 millimetres or more than one comma five metres above the ground level; and
- towards the front of the motor vehicle in such a manner that the light

*emitted from such lamp does not cause discomfort to the driver, either directly or indirectly through any of the rear-view mirrors or any other reflecting surfaces of such vehicle.*

- (3) *Daytime running lamps shall be connected in such a manner—*
  - (a) *that the rear lamps are on at the same time as the daytime running lamps; and*
  - (b) *that they switch off automatically when the head lamps are switched on, except when the headlamps are used to give intermittent luminous warnings at short intervals.*

#### ***Lights to be displayed on stationary or parked motor vehicle***

**Reg 162.** *Subject to the proviso to regulation 157(1)(b), no person shall on a public road stop or park a motor vehicle unless—*

- (a) *the head lamps thereof emit a dipped-beam of light complying with the provisions of regulation 161 or a beam of light complying with the provisions of regulation 164 is emitted from parking lamps incorporated in such head lamps; or*
- (b) *if the head lamps thereof are extinguished, light is emitted from two fog lamps or parking lamps complying with the provisions of regulation 163 or 164, respectively.*

#### ***Fog lamps***

**Reg 163.** (1) *A motor vehicle may be equipped at the front and at the rear or at the front or rear with—*

- (a) *one fog lamp; or*
  - (b) *two fog lamps, one on each side of the longitudinal centre-line of the motor vehicle.*
- (2) *No person shall operate on a public road a motor vehicle which, in terms of subregulation (1) is equipped with a fog lamp or fog lamps, unless—*
- (a) *every fog lamp at the front is so adjusted and maintained that it shall only be capable of emitting a dipped-beam of light complying with the provisions of regulation 161(3) and (4); or*
  - (b) *the fog lamp or lamps at the rear can only be brought into operation when any fog lamp at the front or any head lamp of such vehicle is brought into operation.*
- (3) *No fog lamp contemplated in subregulation (1) shall be fitted—*
- (a) *at the front of a motor vehicle with the highest point of its illuminating surface above the highest point of the illuminating surface of a head lamp emitting a dipped-beam of light; or*
  - (b) *at the rear of a motor vehicle with the lowest point of its illuminating surface less than 250 millimetres and the highest point thereof more than one metre from ground level.*
- (4) *If—*

- (a) *a motor vehicle, other than a motor cycle and motor tricycle with one wheel in front, is in terms of subregulation (1)(a) equipped with one fog lamp at the front, a parking lamp or parking lamps complying with the provisions of regulation 164, shall be fitted to the motor vehicle concerned in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamp; or*
- (b) *a motor vehicle is in terms of subregulation (1)(b) equipped with two fog lamps at the front and any such lamp is so placed that the portion of its illuminating surface which is furthest from the longitudinal centre-line of the motor vehicle, is further than 400 millimetres from the outer edge of the front of such vehicle, a parking lamp or parking lamps complying with the provisions of regulation 164 shall be fitted to the motor vehicle and in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamps.*
- (5) *No fog lamp shall be fitted to the side-car of a motor cycle at the front, unless the motor cycle concerned is equipped with a fog lamp complying with the provisions of this regulation or with a parking lamp complying with the provisions of regulation 164 and which can be brought into operation simultaneously with the fog lamp on the side-car: Provided that if a fog lamp is only fitted to the motor cycle at the front, the side-car shall be equipped with one parking lamp referred to in regulation 159(1)(c)(ii) and such parking lamp shall be capable of being brought into operation simultaneously with such fog lamp.*
- (6) *No person shall operate on a public road, a motor vehicle while any fog lamp fitted to such vehicle is lit, except in conditions of poor visibility caused by snow, fog, mist, dust or smoke.*

### ***Parking lamps***

**Reg 164.** (1) *A motor vehicle may be equipped—*

- (a) *in front with one or two parking lamps which shall be visible directly from the front;*
- (b) *at the rear with one or two parking lamps which shall be visible directly from the rear; or*
- (c) *at each side with one parking lamp which shall be visible directly from the front and from the rear.*
- (2) *Any parking lamp—*
  - (a) *contemplated in subregulation (1)(a), may form part of a head lamp contemplated in regulation 159, a fog lamp contemplated in regulation 163 or a front position lamp contemplated in regulation 166; or*
  - (b) *contemplated in subregulation (1)(b), may form part of a fog lamp contemplated in regulation 163, a rear lamp contemplated in regulation 168 or a stop lamp contemplated in regulation 169.*
- (3) *If a motor vehicle is, in terms of subregulation (1), equipped at the front or at the rear with—*
  - (a) *one parking lamp, such lamp shall be fitted on the right side of the motor vehicle; or*

- (b) *two parking lamps, one parking lamp shall be fitted on each side of the longitudinal centre-line of the motor vehicle,*

*so that the portion of the illuminating surface thereof furthest from the longitudinal centre-line of the motor vehicle is not further than 400 millimetre from the outer-edge of the front or rear of the motor vehicle, as the case may be: Provided that in the case of a motor vehicle registered prior to 1 July 1990 the portion of illuminating surface of the parking lamp furthest from the longitudinal centre-line of the motor vehicle may be not further than 500 millimetres from the outer-edge of the front or rear of the motor vehicle.*

#### ***When parking lamps to be kept lighted***

- Reg 165.** (1) *No person shall operate on a public road a motor vehicle if on any side of the longitudinal centre-line thereof no head lamp in use is so placed that the portion of its illuminating surface furthest from such centre-line is within 400 millimetres from the outer-edge of the front of the vehicle, unless a parking lamp fitted to that side of the vehicle and complying with regulation 164 is kept lighted.*
- (2) *No person shall operate on a public road a motor vehicle of which only the parking lamps are lighted while such vehicle is in motion.*

#### ***Front-position lamps***

- Reg 166.** (1) *No person shall operate on a public road a motor vehicle or a combination of motor vehicles, other than a motor cycle, if any of the outer edges of the widest part of such vehicle or combination or any load thereon projects more than 400 millimetres beyond the illuminating surface of any outermost lamp to the front of such vehicle or combination of motor vehicles which is nearest to such edge, unless there is fitted on each side of such widest part one front-position lamp which shall be visible directly from the front.*
- (2) *The front position lamps contemplated in subregulation (1)—*
- (a) *shall be fitted as near as possible to, but not more than 400 millimetres, or in the case of a trailer, converter dolly or adapter dolly not more than 150 millimetres, from the outer-edges of the widest part of the motor vehicle or combination of motor vehicles concerned or any load thereon, and shall not be less than 350 millimetres or more than two comma one metres above the ground level: Provided that a motor vehicle first registered prior to 1 January 1985 may have such lamps fitted less than 350 millimetres above the ground but such lamps shall be fitted as high as possible; and*
- (b) *shall emit a white light.*

#### ***End-outline-marker lamps***

- Reg 167.** (1) *A motor vehicle may be equipped—*
- (a) *in front on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the front; and*
- (b) *at the rear on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the rear.*

- (2) (a) *shall be fitted as near as possible to the outer-edges of the front and rear of the motor vehicle concerned and as high as possible, but not necessarily beyond the top of the cab height at the front and as high as possible at the rear; and.*
- (b) *shall emit a white light to the front and a red light to the rear.*

### ***Rear lamps***

- Reg 168.** (1) *No person shall operate a motor vehicle on a public road, excluding a motor vehicle which was first registered before 1 January 1981, a motor cycle or a motor tricycle, unless such motor vehicle is fitted with at least one lamp on each side at the rear—*
- (a) *emitting a red light to the rear with a minimum intensity of two candelas;*
  - (b) *positioned not further than 400 millimetres from the outer edges of the widest part of such motor vehicle; and*
  - (c) *positioned not lower than 350 millimetres or higher than one and a half metres above ground level, but if it is not practical, or impossible due to the structure of the vehicle to position such lamps within one and a half metres above ground level, not higher than two comma one metres above ground level.*
- (2) *A motor vehicle which was first registered before 1 January 1981 may be fitted with such lamps in such positions as are prescribed in subregulation (1), but shall be fitted with at least one lamp at the rear, emitting a red light to the rear with a minimum intensity of two candelas, positioned in the centre or to the right of the longitudinal centre-line of such vehicle, not lower than 300 millimetres and not higher than two comma one metres above ground level.*
- (3) *No person shall operate a motor cycle or a motor tricycle on a public road unless such motor cycle or motor tricycle is fitted with such a lamp in such a position at the rear as prescribed in subregulation (2).*
- (4) *Rear lamps fitted to motor vehicles in addition to those prescribed in this regulation may be fitted higher than two comma one metres above ground level.*
- (5) *A motor vehicle which is towed by a breakdown vehicle shall be fitted with a separate temporary set of rear lamps while such motor vehicle is being towed.*

### ***Stop lamps***

- Reg 169.** (1) *No person shall operate a motor vehicle, other than a trailer drawn by a tractor or a tractor, on a public road unless it is fitted with at least one stop lamp on each side at the rear of the motor vehicle, and in the case of a motor cycle one stop lamp at the rear, which shall—*
- (a) *be visible from the rear and shall be unobscured within angles of—*
    - (i) *45 degrees measured across the width of the motor vehicle on either side of a line parallel to the longitudinal centre-line of the motor vehicle and passing through the centre-line of each stop lamp; and*
    - (ii) *15 degrees measured vertically on either side of a horizontal line parallel to the longitudinal centerline of the motor vehicle and*

*passing through the centre-line of each stop lamp but if the height of the stop lamp above ground level is less than 750 millimetres, such angles, measured below such horizontal line, may be reduced to five degrees;*

- (b) be fitted at a height of not less than 300 millimetres and not more than two comma one metres above ground level, measured to the centre of the lamp: Provided that additional stop lamps may be fitted above two comma one metres;*
  - (c) be fitted equidistant from, and on each side of, the longitudinal centre-line of such motor vehicle;*
  - (d) when in use, emit light the colour of which shall be red and the intensity of which shall be greater than that of the light emitted by the rear lamp on the motor vehicle and shall be visible in normal sunlight at a distance of not less than 30 metres to a person of normal eyesight;*
  - (e) be so connected that, if the motor vehicle is in motion, such lamp shall come into operation as soon as the operating device of the service brake or similar brake of the motor vehicle or, in the case of a combination of motor vehicles, of the drawing vehicle, is activated; and*
  - (f) be maintained in a clean condition and in good working order.*
- (2) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of stop lamps which is coordinated with the working of the stop lamps of the breakdown vehicle while such motor vehicle is so towed.*
  - (3) A stop lamp complying with the provisions of subregulation (1) may be incorporated in a rear lamp fitted to a motor vehicle in terms of regulation 168.*

### ***Number plate lamps***

- Reg 170.** *(1) No person shall operate on a public road a motor vehicle, other than a tractor, unless it is fitted with at least one number-plate lamp at the rear, illuminating the number plate or identification card by means of a white light which shall make every letter and figure of such plate or card plainly distinguishable from a distance of at least 20 metres by a person of normal eyesight: Provided that a number plate lamp need not be kept lighted on a motor vehicle parked on a public road.*
- (2) The beam of light of a number-plate lamp shall not be directed to the rear.*

### ***Side-marker lamps***

- Reg 171.** *(1) A motor vehicle or combination of motor vehicles may, but a breakdown vehicle shall, be fitted with side-marker lamps along each side which, when in operation, shall emit a diffused yellow light: Provided that the side marker lamp furthest forward on the motor vehicle, combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused white or amber light: Provided further that the rearmost side-marker lamp on a motor vehicle or combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused red or amber light.*
- (2) Such side-marker lamps shall be so placed that—*
- (a) there is a lamp within 400 millimetres of each end of the body of each*

vehicle;

- (b) *the distance between successive lamps on any motor vehicle or combination of motor vehicles is not more than three comma six metres;*
- (c) *they are not less than 300 millimetres from the ground; and*
- (d) *they face directly outwards from the side to which they are fitted in a direction at right angles to the longitudinal centre-line of the vehicle to which they are fitted.*

### ***Interior lamps***

**Reg 172.** *A lamp emitting a diffused light may be provided on any motor vehicle for the purpose of illuminating the interior, including the instrument panel thereof, or any entrance thereto.*

### ***Lamp illuminating notice on motor vehicle***

- Reg 173.** (1) *A lamp illuminating a notice relating to the destination of a motor vehicle or its availability for hire may be fitted to any motor vehicle.*
- (2) *A lamp illuminating a notice or token indicating the use of a motor vehicle as an ambulance, blood transfusion service, fire-fighting, police, traffic-control vehicle or a patrol service vehicle of the Automobile Association, may be fitted to such vehicle.*

### ***Decorating lamps***

**Reg 174.** *A lamp, other than a spot lamp, may be fitted to a motor vehicle taking part in a procession for the purpose of decorating it.*

### ***Reversing lamps***

- Reg 175.** (1) *A motor vehicle may be fitted with a reversing lamp emitting a white light, which illuminates the road to the rear of, or under the vehicle.*
- (2) *Such a lamp shall be under the direct control of the driver and shall be either so fitted as to operate only when the motor vehicle is placed in reverse gear or be connected with a device by which the driver shall be made aware that the lamp is in operation.*
- (3) *Not more than two such lamps shall be fitted to a vehicle and no light shall be emitted therefrom except when the vehicle is reversing or about to reverse.*

### ***Identification lamps***

- Reg 176.** (1) *A bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, and which is not a motor vehicle referred to in subregulation (2), (3) or (5), may be fitted above the windscreen with two or more identification lamps and each such lamp shall—*
- (a) *not exceed a capacity of 21 Watts;*
  - (b) *be visible from directly in front of the motor vehicle to which it is fitted;*  
*and*

- (c) *emit a green or amber light.*
- (2) *An ambulance, fire-fighting or rescue vehicle may be fitted with a lamp or lamps emitting an intermittently-flashing red light in any direction.*
- (3)
  - (a) *Subject to paragraph (b), no person shall operate a motor vehicle fitted with, or in or on which is displayed, a lamp or lamps emitting a blue light or capable of emitting a blue light.*
  - (b) *The provisions of paragraph (a) does not apply to a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), or a traffic officer, or a member of the South African Defence Force authorised in terms of section 87(1)(g) of the Defence Act, 1957 (Act No. 44 of 1957) to perform police functions, in the execution of his or her duties.*
  - (c) *A motor vehicle referred to in paragraph (b) may be fitted with a lamp or lamps emitting an intermittently-flashing—*
    - (i) *blue light;*
    - (ii) *blue and amber light;*
    - (iii) *blue and red light; or*
    - (iv) *blue, amber and red light,**in any direction which may, at the will of the driver, display the word “stop”.*
- (4) *A motor vehicle which is—*
  - (a) *a vehicle employed in connection with the maintenance of public road;*
  - (b) *engaged in the distribution and supply of electricity;*
  - (c) *engaged in the supply of other essential public services;*
  - (d) *operated in terms of the authority granted by the MEC in terms of section 81 of the Act;*
  - (e) *a breakdown vehicle;*
  - (f) *a refuse compactor vehicle;*
  - (g) *a vehicle carrying an abnormal load and the vehicle escorting it if any,**may, but a breakdown vehicle shall, be fitted with a lamp or lamps capable of emitting an intermittently-flashing amber light in any direction: Provided that such lamp shall only be used at the place where the breakdown occurred, where the maintenance or other work or an inspection is being carried out, when such breakdown vehicle is towing a motor vehicle, or in the event of a vehicle carrying an abnormal load.*
- (5) *A motor vehicle used by a medical practitioner may be fitted above the windscreen with one lamp emitting an intermittently flashing red light in any direction: Provided that such light may only be used by such medical practitioner in the bona fide exercise of his or her profession.*
- (6) *A vehicle driven by a person while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977), may be fitted with a lamp or lamps emitting an intermittently-flashing green light in*



*any direction.*

(7) *A vehicle—*

- (a) *owned by a body or person registered as a security officer in terms of the Security Officers Act, 1987 (Act No. 92 of 1987); and*
- (b) *driven by a security officer as defined in section 1 of the said Act in the course of rendering a security service, also defined in section 1 of the said Act,*

*may be fitted with a white lens bar containing a lamp or lamps emitting an intermittently- flashing diffused white light in any direction, and containing a notice illuminated by a white light containing the word “security” and the name of the owner of the vehicle in black letters: Provided that the said lamp or lamps shall not be capable of emitting a rotating or strobe light.*

***Use of spot lamp***

**Reg 177.** *No person shall operate on a public road a motor vehicle if it is fitted with a spot lamp, which can be so adjusted as to enable a beam of light emitted therefrom to be deflected in any direction: Provided that a spot lamp which is adjustable—*

- (a) *may be fitted and used for official purposes on any ambulance, rescue-, fire-fighting-, police-, or traffic-control vehicle;*
- (b) *may be fitted to a vehicle owned by a medical practitioner or veterinarian, and used in the execution of such person’s professional duties; or*
- (c) *may be fitted to a breakdown vehicle or a vehicle employed in connection with the supply of electricity or other public essential services: Provided that it is used solely at the scene of an accident or breakdown or for the examination of overhead telephone, telegraph or power lines.*

***Lamps on pedal cycle***

- Reg 178.** (1) *A pedal cycle may be fitted in front with a lamp emitting a white light, the intense part of the beam of which shall, when such pedal cycle is on a reasonably level road, strike the surface ahead of such pedal cycle at a distance of not less than three metres and not more than 30 metres.*
- (2) *A pedal cycle may be fitted with one or more lamps emitting a red light directly to the rear.*

***Lamps on animal drawn vehicles***

- Reg 179.** (1) *Subject to subregulation (2), no person shall operate on a public road an animal drawn vehicle unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward, and at the rear on both sides of the body thereof, with lamps emitting a red light to the rear: Provided that in the case of a vehicle drawn by animals not controlled by reins, there shall be a person who leads the animals while he or she is carrying a lamp which emits a white light forward at the head of the foremost animal, in lieu of the lamps emitting a white light forward and a red light to the rear.*

- (2) *The provisions of this regulation shall only apply if the vehicle referred to in subregulation (1) is used between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres.*

#### ***Lamps on unspecified vehicles***

- Reg 180.** (1) *No person shall operate on a public road a vehicle, other than a perambulator, baby cart or child's play vehicle, and which is not elsewhere provided for in regulations 157 to 184, between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres—*
- (a) *unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward; and*
- (b) *unless it is fitted at the rear on the extreme right side of the body thereof, with a lamp emitting a red light to the rear.*
- (2) *A lamp contemplated in subregulation (1)(a) shall emit a beam of light of sufficient power to illuminate the roadway immediately ahead of such vehicle but shall not be of such power or design or so fitted as to cause a dangerous glare to oncoming traffic on a reasonably level road.*

#### ***Colour of lights***

- Reg 181.** (1) *Subject to the provisions of regulation 170(1), 171(1), 172, 175 or 176, no person shall operate on a public road a motor vehicle which is fitted with or carries on it a lamp which—*
- (a) *except in the case of a brake anti-lock warning light to the front of a trailer, emits a light which is not white, amber or yellow in colour towards the front;*
- (b) *emits a light which is not yellow or amber in colour towards either side of the motor vehicle; or*
- (c) *except in the case of a direction indicator or reversing lamp complying with the provisions of these regulations, emits a light which is not red in colour towards the rear.*
- (2) *When two or more lamps of the same class emitting light in the same direction are fitted to a vehicle they shall emit light of the same colour.*

*Provided that no person shall operate on a public road a motor vehicle fitted with any colour of lights other than the colour of lights prescribed in terms of these regulations.*

#### ***Certain lamps to emit diffused lights***

- Reg 182.** *Every lamp fitted to a vehicle, other than the head lamps of a motor vehicle, the front lamp of a pedal cycle, spot lamp and fog lamp, shall emit diffused light when in operation on a public road.*

#### ***Lamps to emit steady light***

- Reg 183.** *Unless otherwise provided elsewhere in these regulations, a lamp fitted to any vehicle shall*

*emit a steady light when in operation:*

*Provided that an ambulance, rescue vehicle, fire-fighting vehicle, a motor vehicle operated by a traffic officer in the execution of his or her duties, or a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995) in the execution of his or her duties, may be equipped with a device which enables the driver of such vehicle to operate the vehicle's head lamps in such a manner that they flash intermittently.*

### ***Manner in which lamps to be fitted and maintained***

**Reg 184.** (1) *The head lamps of a motor vehicle shall be fitted—*

- (a) at a height of not less than 450 millimetres and not more than one comma four metres above ground level, measured to the centre of the lamp; and*
- (b) not more than 500 millimetres behind the front end of the vehicle.*

(2) *The head lamps and fog lamps of a motor vehicle shall, unless the design of the lamps incorporates some other means of preventing a dangerous glare to oncoming traffic, not be fitted with lenses of clear glass or other like material.*

(3) *When two or more of the same lamps are fitted to a vehicle they shall—*

- (a) be placed symmetrically in relation to the longitudinal centerline of the vehicle; and*
- (b) except in the case of side marker lamps and direction-indicator lamps, be so placed that any lamp on the side of the vehicle concerned shall have a corresponding lamp at the same height on the other side of such vehicle.*

(4) *Every lamp required to be fitted to a vehicle shall be securely fixed.*

(5) *The lens and reflector of every lamp required to be fitted to or used in connection with any vehicle shall be maintained in an effective and reasonably clean condition.*

(6) *No lamp required to be fitted to or displayed in connection with a vehicle shall be totally or partially obscured by any fitting or object on the vehicle.*

(7) *The provisions of subregulation (1) shall not apply to main beam lamps that comply with the requirements of standard specification SABS 1046 "Motor vehicle safety specification for lights and light signalling devices installed on motor vehicles and trailers", and standard specification SABS 1376 "Lights for motor vehicles", Part 2: Head lights" and which is homologated as such by the Inspectorate of Manufacturers, Importers and Builders.*

### ***Lamps not prescribed or authorised, prohibited***

**Reg 185.** *No lamp other than a lamp prescribed or authorised in terms of these regulations shall at any time be fitted to any vehicle operated on a public road.*

### ***White retro-reflectors to be fitted on front of certain vehicles***

**Reg 186.** (1) *No person shall operate on a public road—*

- (a) a trailer;*

- (b) *rickshaw; or*
- (c) *animal-drawn vehicle,*

*unless there are fitted, on the front of such vehicle at the same height, two white retro-reflectors, one on each side of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations.*

(2) *A white retro-reflector—*

- (a) *may be fitted to a motor vehicle, other than a trailer, in the manner contemplated in subregulation (1) and such retro-reflector shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest portion of the vehicle; and*
- (b) *if fitted to any vehicle not provided for in paragraph (a), shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 150 millimetres from the outer edge of the widest portion of the vehicle.*

(3) *No person shall operate a pedal cycle on a public road unless there is fitted on the front of such cycle a white retro-reflector complying with the provisions of regulations 189 and 192.*

***Red retro-reflectors to be fitted on rear of certain vehicles***

***Reg 187. (1) No person shall operate on a public road—***

- (a) *a motor vehicle, other than a motor cycle without side-car or motor tricycle with one wheel at the rear;*
- (b) *rickshaw; or*
- (c) *animal-drawn vehicle,*

*unless there are fitted on the rear of such vehicle at the same height two red retro-reflectors, one on each side, of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations: Provided that in the case of a combination of motor vehicles, both the drawing vehicle and the rearmost vehicle shall be fitted with such retro-reflectors.*

- (2) *Each retro-reflector referred to in subregulation (1) shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest part of the vehicle.*
- (3) *No person shall operate any motor cycle without side-car or motor tricycle with one wheel at the rear on a public road unless there is fitted on the rear of such vehicle a red retro-reflector complying with the provisions of these regulations.*
- (4) *No person shall operate a pedal cycle on a public road unless there is fitted on the rear of such cycle a red retro-reflector complying with the provisions of regulations 189 and 192.*

### ***Yellow retro-reflectors to be fitted on sides of certain motor vehicles***

**Reg 188.** *No person shall operate on a public road a motor vehicle or a combination of motor vehicles, if the overall length of such vehicle or combination of vehicles exceeds seven metres, unless there is fitted, on each side of such vehicle, or on each side of every motor vehicle in such combination of vehicles, as the case may be—*

- (a) *one yellow retro-reflector—*
  - (i) *within three metres of the front of such vehicle or combination of vehicles;*
  - (ii) *within one metre of the back of such vehicle or combination of vehicles; and*
  - (iii) *in the case of a combination of motor vehicles, of which a trailer, other than a semi-trailer, forms a part, within three metres of the front of the trailer; and*
- (b) *so many additional yellow retro-reflectors as may be necessary to ensure that no two successive yellow retro-reflectors on any side are more than three comma six metres apart, complying with the provisions of regulations 189 and 192: Provided that—*
  - (i) *yellow retro-reflectors need not be fitted to a bus or minibus which is not a school bus, including such a bus or minibus which forms part of a combination of motor vehicles;*
  - (iA) *yellow retro-reflectors need not be fitted to motor vehicles fitted with retro-reflective material on the sides as prescribed in regulation 192A;*
  - (ii) *in the case of a combination of motor vehicles where the drawing vehicle is a motor car, yellow retro-reflector need not be fitted to such drawing vehicle; and*
  - (iii) *in the case of a combination of motor vehicles where the drawing vehicle is a motor car, bus or minibus, which is not a school bus, the front of such combination shall, subject to the provisions of paragraph (i), be deemed to be the front of the vehicle immediately following such drawing vehicle.*

### ***General requirements for retro-reflectors***

**Reg 189.** (1) *Every retro-reflector required to be fitted to a vehicle or load in terms of these regulations shall—*

- (a) *not be lower than 300 millimetres and not higher than one comma five metres from ground level, measured to the centre of the retro-reflector: Provided that if, due to the design of the vehicle, it is impossible to fit retro-reflectors on the sides of the body of such vehicle at the prescribed height, the retro-reflectors shall be fitted as near as possible to such height;*
- (b) *if it is a—*
  - (i) *white retro-reflector, be in a vertical position and face squarely to the front;*
  - (ii) *red retro-reflector, be in a vertical position and face squarely to the back; and*
  - (iii) *yellow retro-reflector, be in a vertical position and face squarely to*

*the side,*

*but, notwithstanding anything to the contrary contained in these regulation, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.*

- (c) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective; and*
  - (d) not be fitted to any movable part of the vehicle: Provided that this provision shall not apply to a warning sign contemplated in regulation 191(2)(a).*
- (2) Notwithstanding anything to the contrary contained in these regulations, if due to the design of the vehicle it is not possible to fit a retro-reflector in the prescribed position, it may be fitted as close as possible to the prescribed position.*

#### ***Rear retro-reflectors on vehicles with certain bodies***

**Reg 190.** *If it is impossible to fit retro-reflectors on the body of a vehicle to comply with the requirements of both regulations 187(2) and 189(1)(a), two red retro-reflectors shall be fitted to the rear of such vehicle in the manner contemplated in regulation 187(2) as low as possible on the body of such vehicle and two additional red retro-reflectors shall be fitted on the rear of the vehicle on the underframe thereof at the height contemplated in regulation 189(1)(a) as far apart as such underframe will permit.*

#### ***Warning sign on rear of certain motor vehicles (chevrons)***

- Reg 191.** *(1) For the purposes of this regulation the expression “motor vehicle” shall not include a motor vehicle propelled by electrical power derived from overhead wires, motor car, motor cycle, motor tricycle, motor quadrucycle, tractor, or any other motor vehicle the gross vehicle mass of which does not exceed 3 500 kg and which is not a trailer.*
- (2) Subject to subregulation (3), no person shall operate on a public road a motor vehicle unless there is fitted at the rear of such vehicle a warning sign which—*
- (a) is a chevron sign which complies with the requirements referred to in standard specification SABS 1329 “Retro-reflective and Fluorescent Warning Signs for Road Vehicles”, Part 4 “Retro-reflective chevron-signs” and Part 5 “Retro-reflective chevron decals”;*
  - (b) bears a certification mark;*
  - (c) notwithstanding the provisions of paragraph (a), from 1 January 2001 incorporates both retro-reflective red and retro-reflective yellow chevron strips.*
- (3) (a) If the design or construction of any motor vehicle does not allow a chevron to be fitted thereto such chevron may be cut into sections to avoid the interference of protrusions, or its edges may be trimmed to permit fitment to the contour of the vehicle or its equipment, but the chevron pattern shall be substantially maintained.*
- (b) If the design or construction of any motor vehicle does not allow a modified chevron to be fitted thereto as contemplated in paragraph (a), at*

least 11 retro-reflectors shall be fitted to such motor vehicle as shown in diagram A below, and in the case of a trailer the gross vehicle mass of which does not exceed 3 500 kg, at least seven retro-reflectors shall be fitted to such trailer as illustrated in diagram B below.

Provided that a trailer the gross vehicle mass of which does not exceed 3 500 kg may, in lieu of the said seven retro-reflectors, be fitted with at least one triangular retro-reflector at each side no further than 400 millimetre from the outer edge of the widest part of such trailer, that comply with the requirements of standard specification SABS ECE R3 "The uniform provisions concerning the approval of retro-reflecting devices for power-driven vehicles and their trailers.

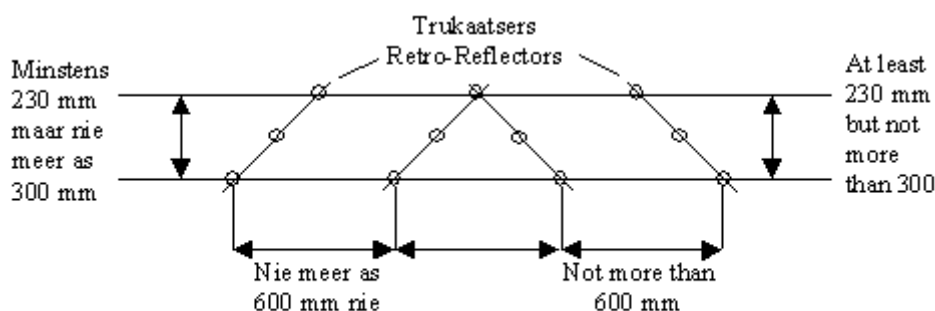


DIAGRAM A

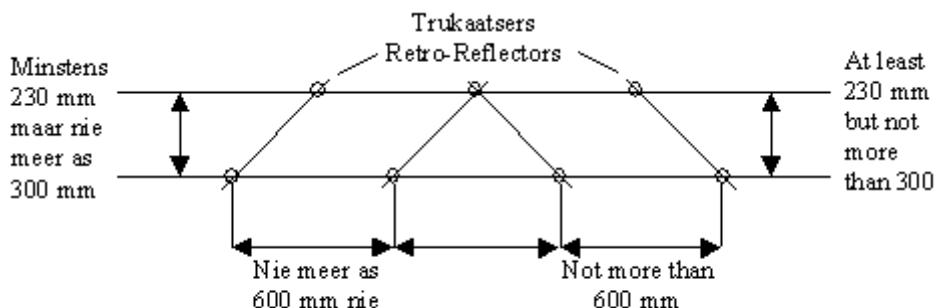


DIAGRAM B

- (4) Every warning sign required in terms of this regulation, to be displayed on a motor vehicle or on a trailer referred to in subregulation (2), shall—
- (a) be in an upright position or within 15 degrees of such position and face squarely to the rear;
  - (b) be so placed that the lower edge thereof is not more than one comma one metres above ground level: Provided that if, owing to the structure of the vehicle, it is impossible to fit the warning sign at the prescribed height, it shall be fitted as near as possible to such height;
  - (c) extend horizontally for such distance as is necessary to indicate the overall width of the vehicle to which it is fitted to within 400 millimetres of either side: Provided that these provisions shall not be applied to any chevron fitted in addition to the requirements of this regulation; and

- (d) *be clean and in good condition and not be obscured to the extent that it will be rendered ineffective.*

#### ***Unlawful use of reflector or reflective material***

**Reg 192.** (1) *Subject to subregulation (2), no person shall operate on a public road a vehicle whilst a reflector or reflective material fitted to such vehicle does not reflect a—*

- (a) *white colour to the front of such vehicle;*
- (b) *red colour to the rear of such vehicle;*
- (c) *yellow colour to the side of such vehicle,*

*but, notwithstanding anything to the contrary contained in these regulations, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.*

- (2) *The provisions of this regulation shall not apply in respect of—*
  - (a) *an ambulance, rescue vehicle, police vehicle, a vehicle driven by a traffic officer in the execution of his or her duties and a fire-fighting vehicle;*
  - (b) *a number plate;*
  - (c) *a warning sign referred to in regulation 191;*
  - (d) *direction indicators referred to in regulation 326;*
  - (e) *a sign referred to in regulation 293(2) or 295(2); and*
  - (f) *retro-reflective material as contemplated in regulation 192A.*
- (3) *Notwithstanding the provisions of subregulation (1) the pedals, pedal arms or spokes of a pedal cycle shall, if such cycle is operated on a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres, be fitted with yellow or white reflectors or reflective material.*

#### ***Side and rear retro-reflective material to be fitted to vehicles***

**Reg 192A.** (1) *For the purposes of this regulation “contour or strip marking” means yellow side and rear retro-reflective material that shall comply with SABS ECE R104 “Uniform provisions concerning the approval of retro-reflective markings for heavy and long vehicles and their trailers: Provided that –*

- (a) *application for (paragraph 3 of SABS ECE R104) and approval of paragraph 5 of SABS ECE R104 shall not be required, but the letter “C” indicating contour marking as referred to in paragraph 5.4.3.1 of SABS ECE R104 and the circle surrounding the letter “E” followed by the distinguishing number of the country which has granted approval as referred to in paragraph 5.4.1 of SABS ECE R104, shall be brought onto the retro-reflective marking material;*
- (b) *that advertising consisting of retro-reflective logos, distinctive markings or letters, or characters may be used if it complies with the standard and used*



*in conjunction with contour markings, excluding strips denoting the manufacturer.*

- (2) (a) *A goods vehicle with a gross vehicle mass exceeding 3500 kilograms shall be fitted with contour markings on the side and the rear of such vehicle and the rear contour markings may not be fitted more than 600 millimetres from the lower part of the body of such vehicle.*
- (b) *A goods vehicle with a length of more than 7 metres shall be fitted with contour markings as contemplated in paragraph (a) from 1 July 2004.*
- (c) *A trailer or caravan first registered after 1 July 2004 shall be fitted with side and rear contour markings, as contemplated in paragraph (a).*
- (d) *Any trailer or caravan shall from 1 January 2006 be fitted with side and rear contour markings, as contemplated in paragraph (a).*
- (e) *A bus first registered from 1 July 2004 shall be fitted with side and rear markings as contemplated in paragraph (a); and*
- (f) *Any midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, shall from 04 September 2006, be fitted with side and rear markings as contemplated in paragraph (a); and*
- (g) *a minibus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered on or after 04 September 2006, and operating in terms of an operating licence, be fitted with side and rear markings as contemplated in paragraph (a);*
- (h) *any minibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall from 1 January 2007 be fitted with side and rear marking as contemplated in paragraph (a); and*
- (i) *A motor home first registered from 1 July 2007 shall be fitted with contour or strip marking as contemplated in paragraph (a).*

#### ***Motor vehicle to be equipped with direction indicators***

- Reg 193.** (1) *No person shall operate on a public road any motor vehicle, other than a tractor or a trailer drawn by a tractor, unless it is equipped on both sides with either the flasher type or illuminated window-type direction indicators which comply with the provisions of regulation 194 or 195, whichever the case may be: Provided that where a motor vehicle forms part of a combination of motor vehicles and a direction indicator with which such motor vehicle is required to be equipped is obscured by any trailer forming part of such combination, the trailer shall, subject to the provisions of regulation 197, be deemed to be part of such motor vehicle.*
- (2) *The provisions of subregulation (1) shall not apply in respect of—*
- (a) *a motor cycle which, according to the registration certificate thereof, was registered for the first time before 1 July 1976; or*
  - (b) *any motor vehicle which, according to the registration certificate thereof, is older than 40 years.*

#### ***Direction indicators of flasher type***

**Reg 194.** *Direction indicators of the flasher type shall comply with the following requirements:*

- (a) *Each indicator shall incorporate a lamp or lamps;*
- (b) *when in use such lamp shall show an intermittently-flashing light of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eye-sight;*
- (c) *the indicators shall be equidistant from the longitudinal centre-line of the motor vehicle and as near as possible to, but not more than 500 millimetres from, the outer edge of the front or rear of the motor vehicle;*
- (d) *subject to the provisions of paragraph (e), the indicators shall be so mounted that they are visible from the—*
  - (i) *rear, anywhere within an angle of 15 degrees inside and 45 degrees outside; and*
  - (ii) *front, anywhere within an angle of 45 degrees outside, of a line which is parallel to the longitudinal centre-line of the vehicle and which passes through the centre of the illuminated area of the indicator;*
- (dA) *The indicator lamp shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;*
- (e) *where it is not possible to comply with the provisions of paragraph (d) in the case of a single indicator on any one side, one indicator shall be mounted towards the front and one towards the rear so that one shall be visible from the front and the other from the rear of the vehicle to which it is fitted within the limits prescribed by that paragraph;*
- (f) *where any indicator is combined with or mounted within 150 millimetres of any lamp, the intensity of the light emitted from the indicator shall be greater than that from such lamp; and*
- (g) *the indicator lamps when in use shall emit white, yellow or amber light to the front, and yellow, amber or red light to the rear and any one indicator may emit light towards the front and the rear simultaneously or emit light only to the front or only to the rear according to its position on the vehicle.*

#### ***Direction indicator of illuminated window-type***

**Reg 195.** *Direction indicators of the illuminated window type shall comply with the following requirements:*

- (a) *Each indicator shall incorporate a lamp which, when in operation, shall emit a red, yellow or amber light to the rear and of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eyesight;*
- (aA) *The indicator shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;*
- (b) *the indicator shall be at least 150 millimetres long, 25 millimetres wide and arrow-shaped; and*
- (c) *the indicator shall be fitted to the rear of the vehicle.*

#### ***Combination of different types of direction indicators***

**Reg 196.** *Notwithstanding anything contained in these regulations, the fitting of two direction indicators of one of the types referred to in regulations 194 and 195 on the front half of a vehicle and two direction indicators of another type referred to in the said regulations on the rear half of such vehicle shall be permitted.*

### ***Direction indicators on motor vehicles with overall length in excess of 7,6 metres***

- Reg 197.** (1) *No person shall operate on a public road any motor vehicle or combination of motor vehicles of an overall length in excess of seven comma six metres unless it is equipped on both sides towards the front and towards the rear with the flasher type or illuminated window-type direction indicators which complies with the provisions of regulation 194 or 195, whatever the case may be.*
- (2) *The direction indicators towards the rear referred to in subregulation (1) shall, unless they are the flasher type direction indicators, be—*
- (a) *within 600 millimetres of the rear end of the vehicle; or*
  - (b) *in the case of a combination of motor vehicles, within 600 millimetres of the rear end of the last vehicle of such combination.*
- (3) *The provisions of this regulation shall not apply in respect of a tractor or a combination of motor vehicles the drawing vehicle of which is a tractor.*

### ***General requirements for direction indicators***

- Reg 198.** (1) *Direction indicators shall be fitted at a height of not less than 450 millimetres and not more than two comma one metres above ground level and shall be unobscured when in use: Provided that—*
- (a) *in respect of any flasher type direction indicator no minimum height shall apply; and*
  - (b) *a flasher type direction indicator fitted on the side of a motor vehicle shall not be more than two comma three metres above ground level.*
- (2) *If lamps are incorporated in direction indicators, the lamps showing to the front shall be located on the same level and the lamps showing to the rear shall be located on the same level.*
- (3) *Unless the direction indicators are so fitted that they are directly or by reflection visible to the driver of the vehicle concerned when the driver is in the driving position, a device shall be provided whereby the driver shall be given visible or audible warning when the indicators are in operation.*
- (4) *The direction indicators shall be so fitted that the indicators on one side can be operated separately from those on the other side.*
- (5) (a) *No person shall operate on a public road a motor vehicle, unless it is fitted with a separate switch to operate all the direction indicators simultaneously.*
- (b) *The provisions of paragraph (a) shall not apply to—*
- (i) *a tractor;*
  - (ii) *a trailer;*
  - (iii) *a motor cycle;*
  - (iv) *a motor tricycle;*
  - (v) *a motor quadrucycle; or*
  - (vi) *any motor vehicle which according to the registration certificate thereof, was registered for the first time before 1 January 1986.*

- (6) (a) *The driver of a motor vehicle fitted with a separate switch to operate all the direction indicators simultaneously, shall put into operation simultaneously all the direction indicators fitted to such vehicle, when the vehicle is—*
  - (i) *stationary in a hazardous position; or*
  - (ii) *in motion in an emergency situation.*
- (b) *The driver of a motor vehicle shall not put into operation simultaneously all the direction indicators fitted to such motor vehicle in a circumstance other than those referred to in paragraph (a).*
- (7) *If more than one direction indicator is fitted to indicate any one turning movement all such indicators shall be inter-connected so as to operate simultaneously.*
- (8) *Direction indicators shall be maintained in good working order.*
- (9) *All lamps of direction indicators shall, when in use, emit diffused light.*
- (10) *A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of direction indicators which is coordinated with the working of the direction indicators of the breakdown vehicle while such motor vehicle is so towed.*

***Prohibition of use of direction indicator not complying with regulations***

**Reg 199.** *The driver of a motor vehicle on a public road shall not make use of any direction indicator not complying with the provisions of these regulations.*

***Steering gear***

**Reg 200.** (1) *No person shall operate on a public road a motor vehicle—*

- (a) *unless all parts of the steering gear are maintained in a condition which enables the vehicle to be steered safely and efficiently;*
- (b) *unless, in addition to the requirements of paragraph (a), all parts of the steering mechanism are so adjusted that, unless otherwise designed by the manufacturer, the amount of movement which the steering wheel makes before the steering gear becomes effective in changing the direction of the steerable wheels from a position where such wheels are parallel to the longitudinal centre-line of the vehicle to the right or left, is no more than 12,5 per cent of the outside circumference of the steering wheel (that is to say, 45 degrees); and*
- (c) *which is fitted with an anti-theft device which enables the steering wheel to be disengaged or disconnected from the steering mechanism of the vehicle.*
- (2) (a) *Subject to paragraphs (b), (c) and (d), no person shall operate on a public road a motor vehicle the steering wheel of which is on the left hand side.*
- (b) *Paragraph (a) does not apply in respect of a motor vehicle which was registered or licenced in the Republic into any persons name before 23 July 2004;*
- (c) *paragraph (a) does not apply in respect of:*

- (i) a vehicle built or imported by a registered builder or importer for the purpose of export, testing, assessment or development, if such vehicle is operated on a public road under an exemption in terms of section 81 of the Act;
  - (ii) a vehicle manufactured by a registered manufacturer for the purpose of export;
  - (iii) a vehicle manufactured by a registered manufacturer for the purpose of testing, assessment or development; or
  - (iv) a vehicle which is a specialised fire fighting vehicle or heavy duty crane with a GVM over 24 000 kg and having 3 or more axles.
- (d) paragraph (a) does not apply in respect of a motor vehicle referred to in regulations 4(1), 4(2), 21(1)(f), 21(1)(g) or 21(1)(h).
- (e) the owner of a motor vehicle referred to in subregulation (2)(b) may dispose of or transfer ownership of such motor vehicle and such motor vehicle shall be registered in the name of a new owner.
- (3) No person shall operate on a public road a motor cycle—
- (a) unless the handlebars thereof are symmetrically placed in relation to the longitudinal centre-line of the cycle;
  - (b) unless the distance between the outside edges of the handlebars is at least 600 millimetres in respect of a motor cycle with an engine with a cylinder capacity of 200 cubic centimetres or more and at least 500 millimetres in respect of all other motor cycles; or
  - (c) of which the outer ends of the handgrips on the handlebars are—
    - (i) higher than 500 millimetres above the seat height; or
    - (ii) lower than the seat height,
 and more than 800 millimetres apart.

**No. R. 96    12 May 2010**

**NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO.93 OF 1996)**

**EXEMPTION OF MOTOR VEHICLES FROM COMPLYING WITH THE PROVISIONS OF REGULATIONS 3, 4 OR REGULATION 200(2)(a) OF THE NATIONAL ROAD TRAFFIC REGULATIONS, 2000 UNDER THE NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO 93 OF 1996)**

*I S'busiso Joel Ndebele, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) hereby grant exemption to motor vehicles imported into the Republic only for the purposes of 2010 FIFA Soccer World Cup Tournament from the 25 May 2010 to the 25 July 2010, from complying with the provisions of regulations 3, 4 or 200(2) (a) of the National Road Traffic Regulations, 2000 under the NRTA.*

*The exemption shall apply only to motor vehicles imported solely for the purposes of transportation of FIFA dignitaries and broadcasting for the 2010 FIFA Soccer World Cup Tournament, and shall apply only until the 25 July 2010.*

**(Signed)**

**S'busiso Joel Ndebele**

**MINISTER OF TRANSPORT**

**Date: 2010-05-06**

### **Warning devices**

**Reg 201.** (1) *Subject to the provisions of sections 58 (3) and 60 of the Act, no person shall operate on a public road—*

- (a) *a self-propelled motor vehicle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of emitting a sound which, under normal conditions, is clearly audible by a person of normal hearing from a distance of at least 90 metres;*
- (b) *a pedal cycle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of giving adequate warning of its approach;*
- (c) *a vehicle to which a siren is fitted; or*
- (d) *a vehicle to which a device is fitted which emits a sound of which the tone of pitch varies:*

*Provided that the provisions of paragraphs (c) and (d) shall not apply to a motor vehicle to which an anti-theft device which incorporates a siren is fitted, or to a fire-fighting vehicle, a fire-fighting response vehicle, a rescue vehicle, a emergency medical response vehicle, ambulance or vehicle driven by a traffic officer in the carrying out of his or her duties, or to a vehicle driven by a person while engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977).*

(2) *The device referred to in paragraph (b) of the proviso to sections 58 (3) and 60 (b) of the Act shall be capable of emitting a sound of which the tones of pitch shall—*

- (a) *be—*  
*(commonly known as the “Klaxon”)*
- (b) *sweep rapidly between 400 and 1 500 Hertz at a rate of between 120 and 180 cycles per minute (commonly known as the “yelp”); or*
- (c) *sweep slowly between 400 and 1 500 Hertz at a rate of between six and nine cycles per minute (commonly known as the “wail”).*

### **Glass of windscreen, window and partitions**

**Reg 202.** (1) *No person shall operate on a public road any motor vehicle having a windscreen, window or partition made of transparent material—*

- (a) *unless such material affords the driver sufficient visibility for safe driving of such vehicle;*
- (b) *unless in the case of a windscreen, other than a windscreen fitted to a motor cycle or motor tricycle, such transparent material—*
  - (i) *is glass; and*
  - (ii) *in respect of a motor vehicle which, according to the registration certificate thereof was registered for the first time after the year 1958, complies with the provisions of paragraph (a) even when shattered; and*
- (c) *unless, in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after the year 1958, such transparent material is safety glass and every pane thereof is permanently marked with the name or trade mark of the manufacturer thereof or the trade name of the glass and is clearly identifiable as safety glass by a permanent mark indicating it as such.*

(2) *Notwithstanding the provisions of paragraphs (b) and (c) of subregulation (1), the transparent material—*

- (a) *with which—*
  - (i) *a window in the roof of a motor vehicle;*
  - (ii) *a window or partition of a bus or a minibus; or*
  - (iii) *a window or partition of a semi-trailer designed or adapted for the conveyance of passengers, is made, may consist of ultrahigh impact acrylic or polycarbonate plastic material where each pane thereof is permanently marked with the name or trademark of the manufacturer thereof or the trade name of the material and such material is clearly identifiable as ultrahigh impact acrylic or polycarbonate plastic material by a permanent mark describing it as such;*
- (b) *with which a window or partition or a removable or collapsible hood or canopy of a motor vehicle is made, may consist of a flexible plastic material; and*
- (c) *with which a window or partition of a trailer, not designed or adapted for the conveyance of passengers, is made, may in the case where such trailer, according to the registration certificate thereof—*
  - (i) *was registered for the first time before 1 January 1987, consist of acrylic or polycarbonate plastic material or of glass; or*
  - (ii) *was registered for the first time on or after 1 January 1987, consist of acrylic or polycarbonate plastic material.*
- (3) *No person shall operate on a public road any motor vehicle—*
  - (a) *unless the visible light transmittance through—*
    - (i) *the windscreen is at least 70 percent; and*
    - (ii) *any other window is at least 35 percent,*  
*when measured in accordance with paragraph 6.3 of the standard specification SABS 1191 “Safety glass for windows”;*
  - (b) *unless any film or tinting material applied to any windscreen, window or partition is free from bubbles, tears or scratches; and*
  - (c) *if, from 1 January 2000, any material or film, with a textured surface, displaying a picture or graphics is applied to the rear window that covers more than one-eighth of such rear window, or windscreen or a side window.*
- (4) *The provisions of subregulation (3) (a) (ii) shall not apply to an ambulance or a hearse or to windows complying with SABS ECE R43.*

### ***Windscreen wiper***

**Reg 203.** *No person shall operate on a public road a motor vehicle with a windscreen which is not fitted with at least one windscreen wiper which shall be capable of operation by other than manual means and shall, when in operation, wipe the outside of the windscreen directly in front of the driver, continuously, evenly and adequately: Provided that the provisions of this regulation shall not apply to a motor cycle, a motor tricycle or a motor quadrucycle without a fixed hood.*

### ***Driving view to be unobstructed***

**Reg 204.** (1) *No person shall operate on a public road a motor vehicle—*  
 (a) *which is not so constructed and maintained as to afford the driver thereof a*

*full and clear view of the roadway ahead and to his or her right and left when the vehicle is in use;*

- (b) which is not fitted with a rear-view mirror or mirrors enabling the driver of such vehicle, when he or she is in the driving position, to see in clear weather a clear reflection of traffic to the rear: Provided that the provisions of this paragraph shall not apply in respect of a tractor;*
  - (c) which is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rear-view mirror on the driving side and an interior rear-view mirror: Provided that where the interior rear-view mirror does not enable the driver, when he or she is in the driving position, to see in clear weather, a clear reflection of traffic to the rear, an additional exterior rear-view mirror shall be fitted on the side opposite to the driving seat and in such a case it shall not be necessary to fit an interior rear-view mirror;*
  - (d) which is a mini-bus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rear-view mirror on the driving side and an exterior rear-view mirror on the side opposite to the driving seat; or*
  - (e) which is a motor cycle, a motor tricycle or motor quadrucycle unless it is fitted with a rear-view mirror on the right side of the handlebars thereof, and such cycle shall also be fitted with a rear-view mirror on the left side of its handlebars.*
- (2) Every rear-view mirror of a motor vehicle—*
- (a) which—*
    - (i) is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1976; or*
    - (ii) is a minibus, bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time during the period 1 January 1976 to 31 December 1986,*  
*shall be either flat or spherically convex and have an average radius of curvature of not less than one comma two metres; or*
  - (b) contemplated in subregulation (1)(d) shall be either flat or spherically convex and have an average radius or curvature of not less than one comma eight metres.*

### ***Fuel tank, electrical wiring and battery***

***Reg 205.*** *No person shall operate on a public road a motor vehicle—*

- (a) if the fuel tank, carburettor, fuel receptacle or fuel pipe thereof is defective or so exposed that it constitutes a source of danger;*



- (b) *if the filling orifice of the fuel tank is not fitted with an effective cap; or*
- (c) *unless the electrical wiring and battery are properly installed, insulated and maintained so that such wiring and battery do not constitute a source of danger.*

#### ***Engine of motor vehicle to be covered***

**Reg 206.** *No person shall operate on a public road a motor vehicle, other than a motor cycle or other cycle, unless the engine thereof is so covered as not to be a source of danger.*

#### ***Compulsory wearing of protective helmet***

- Reg 207.** (1) *No person shall drive or be a passenger on a motor cycle, motor tricycle or a motor quadrucycle, or be a passenger in the side-car attached to a motor cycle, on a public road, unless he or she is wearing a protective helmet—*
- (a) *which is specially designed for use in connection with such cycle; and*
  - (b) *which fits him or her properly and of which the chin strap is properly fastened under the chin.*
- (2) *After expiry of three years from the date of commencement of this regulation, no person shall drive or be a passenger on a pedal cycle on a public road unless he or she is wearing a protective helmet which fits him or her properly and of which the chin straps is properly fastened under the chin. (date 5 October 2004)*
- (3) *The driver of a motor cycle, motor tricycle, motor quadrucycle or pedal cycle shall ensure that any passenger in or on such cycle who is younger than 14 years, complies with the provisions of subregulation (1) or (2), as the case may be.*
- (4) *Notwithstanding the provisions of subregulations (1) and (3), the driver and passengers of a motor cycle—*
- (a) *equipped with a seatbelt anchorages that comply with the requirements of standard specification SABS 1430 “Motor vehicle safety - anchorages for restraining devices in motor vehicles”, for the driver and passengers (if any);*
  - (b) *the engine of which can not move unless the driver and passengers (if any), of the motor cycle wears the seatbelt referred to in paragraph (a); and*
  - (c) *that complies with the requirements of annex II of the standard specification SABS 1440 “Motor vehicle safety - The steering mechanism of motor vehicles (M<sub>1</sub> only) - behaviour on impact,*  
*may drive or be passengers on such motor cycle on a public road while not wearing a protective helmet.*

#### ***Manner in which side-car to be attached to motor cycle***

**Reg 208.** *No person shall operate on a public road a motor cycle with side-car, unless such side-car is attached to the left side of the motor cycle in such a manner that the centre-line of the axle of the side-car is within the wheelbase of the motor cycle: Provided that no side-car shall be attached to a motor cycle having an engine with a cylinder capacity of less than 50 cubic centimetres.*

### ***Exhaust silencers and exhaust pipes***

**Reg 209.** *No person shall operate on a public road a motor vehicle—*

- (a) unless an efficient exhaust silencer or muffling device is affixed thereto in such a manner that the exhaust gas from the engine is projected through such silencer or muffling device, which shall be so constructed as to reduce and muffle in an effective manner the sound produced by such exhaust;*
- (b) if any mechanism or device is attached thereto enabling the exhaust gas from the engine of such motor vehicle to be projected otherwise than through the silencer or muffling device referred to in paragraph (a);*
- (c) if the exhaust gas or smoke from the engine is so dense as to cause a nuisance to, or obstruct the vision of other road users;*
- (d) if the exhaust pipe or silencer thereof is in such a position that oil or other flammable liquid or material can drip or fall onto it, or is not in efficient working order, or is so placed and maintained that exhaust gas or smoke leaks into the driving cab or passenger compartment of the vehicle; and*
- (e) which, when tested, exceeds the limits prescribed in code of practice SABS 0181 “The Measurement of Noise Emitted by Road Vehicles when Stationary”.*

### ***Entrances and exits***

**Reg 210.** (1) (a) *No person shall operate on a public road a motor vehicle with a fixed hood and a tare in excess of 570 kilograms unless such vehicle has at least—*

- (i) a convenient means of entrance and exit on both the left side and the right side; or*
- (ii) such means of entrance and exit on either the left side or the right side and a ready means of escape on the side opposite to such means of entrance and exit or at the rear, for the occupants thereof.*

(b) *A motor vehicle with a fixed hood and a tare in excess of 570 kilograms that is conveying passengers in a separate compartment, and—*

- (i) which does not comply with the provisions of paragraph (a)(i) or (a)(ii); or*
- (ii) which does not afford such passengers unobstructed access to the driving compartment,*

*shall have at least a convenient means of entrance and exit at the rear for such passengers.*

- (2) An entrance and exit and a means of escape referred to in subregulation (1), shall be protected with a door or other effective barrier: Provided that a means of entrance and exit at the rear of a motor vehicle need not be so protected.*
- (3) A door or barrier contemplated in subregulation (2) or a door or other barrier with which a means of entrance and exit at the rear of a motor vehicle is protected, shall be—*
  - (a) capable of being opened and closed from both the outside and the inside; and*

(b) *closed and clear of any obstruction when the vehicle is in motion:*

*Provided that the provisions of paragraph (a) shall not apply to a means of escape which has a barrier which is capable of being opened by being knocked out.*

(4) *The provisions of this regulation shall not apply to a mini-bus, bus or the separate compartment of a motor vehicle in which prisoners are conveyed.*

***Motor vehicle to be capable of travelling backwards and forwards***

**Reg 211.** *No person shall operate on a public road a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, the tare of which exceeds 570 kilograms, unless it can be driven backwards and forwards.*

***Tyres***

**Reg 212.** *No person shall operate on a public road—*

- (a) *a motor vehicle, other than a tractor or trailer, which is equipped with a metal tyre;*
- (b) *a tractor or trailer, other than an animal-drawn vehicle, which is equipped with a metal tyre of less than 130 millimetres in width;*
- (c) *an animal-drawn vehicle which is equipped with a metal tyre less than 40 millimetres in width;*
- (d) *a vehicle which is equipped with a metal tyre unless the whole width of the tread of the tyre is at all times in direct contact with the surface of the road;*
- (e) *a vehicle which is equipped with a tyre which is in such a state of disrepair or in such a condition that it may cause or is likely to cause damage to the road surface or may be or is likely to be a danger;*
- (f) *a motor vehicle which is equipped with a pneumatic tyre of which the rubber covering is so worn or damaged that the fabric or cord used in the construction of such tyre is exposed;*
- (g) *a motor vehicle of which a tyre is so constructed and fitted that the metal part of the wheel to which such tyre is fitted may come into contact with the road surface;*
- (h) *a motor cycle which is equipped with a retreated tyre;*
- (i) *a motor vehicle which is equipped with a regrooved tyre having a bead diameter of 430 millimetres or less;*
- (j) *a motor vehicle—*
  - (i) *which is fitted with a pneumatic tyre unless such tyre displays throughout, across its breadth and around its entire circumference, a pattern which is clearly visible, and has a tread of at least one millimetre in depth;*
  - (ii) *which is fitted with a pneumatic tyre which contains a tyre tread depth indicator, if the tread is level with the tyre tread depth indicator;*

*Provided that this paragraph shall not apply in respect of a motor cycle with an*

*engine which has a cylinder capacity not exceeding 50 cubic centimetres, or a trailer drawn by a tractor at a speed not exceeding 40 km/h;*

- (k) a motor cycle with an engine having a cylinder capacity not exceeding 50 cubic centimetres, which is fitted with a pneumatic tyre which does not at any position on the tread thereof have a visible tread pattern over at least 80 per cent of the full width of the tread;*
- (l) a motor vehicle which is equipped with a pneumatic tyre which has a break in its fabric or which has a cut, measured in any direction on the outside of the tyre and of such depth that it reaches the cords used in the construction of such tyre, in excess of 25 millimetres or 10 per cent of the maximum width of the tyre, whichever is the greater; or*
- (m) a motor vehicle which is equipped with a pneumatic tyre which has a lump or bulge caused by the separation of or a partial break in its structure.*
- (n) A minibus, midibus, or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with commercial steel radial tyres; and*
- (o) A minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA unless such minibus, midibus or bus is fitted with a vehicle directional stability control devise.*

***(Paragraph o is not in force)***

## ***Seatbelts***

**Reg 213.** (1) *For the purpose of this regulation—*

- (a) an adult is a person over the age of 14 years or taller than one comma five metres; and*
  - (b) a child is a person between the age of three years and 14 years, except where such person is taller than one comma five metres.*
- (2) *Any reference to a safety belt in these regulations shall be construed as a reference to a seat belt.*
- (3) *(a) Motor vehicles which are required to be fitted with seatbelts in terms of the relevant requirements as contemplated in regulation 216, shall be fitted with seatbelts in accordance therewith.*
- (b) In addition to the requirements of paragraph (a), no person shall operate a minibus the gross vehicle mass of which exceeds 2 500 kg, unless seatbelts are fitted to the space on the front seat occupied by the driver, and if such front seat has seating accommodation for passengers, unless seatbelts are fitted for the driver and at least one passenger.*
- (c) No person shall operate a motor vehicle on a public road unless the seatbelts fitted to such motor vehicle are in good working order.*
- (d) Seatbelts fitted to a motor vehicle may only be removed for repair or replacement purposes and such motor vehicle may not be used on a public road while such seatbelts are being repaired or replaced.*
- (e) In addition to the requirements of paragraph (a), no person shall operate a minibus or midibus, first registered after 04 September 2006, operating in*

*terms of an operating licence, unless seatbelts are fitted for every seat in the motor vehicle.*

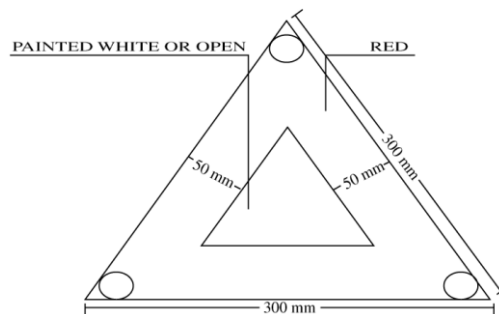
- (f) the belt configuration for a seat in the rear of a motor vehicle shall be a 2-point belt or a 3-point belt, with anchorages in accordance with SANS 1430 : Anchorages for restraining devices in motor vehicles", and installed in accordance with SANS " 10168: Installation of safety devices (Safety belts in motor vehicles).*
- (4) No adult shall occupy a seat in a motor vehicle operated on a public road which is fitted with a seatbelt unless such person wears such seatbelt: Provided that the provisions of this regulation do not apply while reversing or moving in or out of a parking bay or area.*
- (5) No adult shall occupy a seat on a row of seats in a motor vehicle operated on a public road which is not fitted with a seatbelt, unless all other seats on such row which are fitted with seatbelts, are already occupied.*
- (6) The driver of a motor vehicle operated on a public road shall ensure that a child seated on a seat of the motor vehicle—*
  - (a) where it is available in the motor vehicle, uses an appropriate child restraint; or*
  - (b) if no child restraint is available, wears the seatbelt if an unoccupied seat which is fitted with a seatbelt is available.*
- (7) If no seat, equipped with a seatbelt is available in a motor vehicle the driver of the motor vehicle operated on a public road shall ensure that a child shall, if such motor vehicle is equipped with a rear seat, be seated on such rear seat.*
- (8) (a) A seatbelt shall comply with the standard specification SABS 1080 "Restraining devices for occupants of adult build in motor vehicles (Revised requirements)" and bear a certification mark or approval mark.*
  - (b) A child restraint shall comply with the standard specification SABS 1340 "Child restraining devices in motor vehicles" and bear a certification mark or approval mark.*
- (9) The MEC may exempt a person from the provisions of this regulation on such medical grounds and under such conditions he or she may deem expedient.*
- (10) An exemption from wearing a seatbelt in a prescribed territory shall be deemed to be an exemption in terms of subregulation (9) for the period of validity thereof.*
- (11) The driver of a motor vehicle shall ensure that all persons travelling in such motor vehicle shall wear a seat belt as contemplated in this regulation.*

### ***Emergency warning signs (Triangles)***

**Reg 214. (1)** *For the purpose of this regulation –*

- (a) the expression "motor vehicle" excludes an ambulance or motor-car first registered before 1 July 2006, a motor cycle, motor tricycle or a motor quadrucycle;*
  - (b) "reflective material" means reflective material which under all circumstances is capable of reflecting light; and*
- (1A) No person shall operate on a public road —*

- (a) *a goods vehicle, minibus or bus, first registered before 1 July 2007 and with a gross vehicle mass of 3500 kilograms or less, unless there is carried on such a vehicle at least one emergency warning sign, which—*
- (i) *is a double sided sign having the shape, design, minimum dimensions and colours as illustrated hereunder and of which the red portion on each side—*
    - (aa) *shall consist of red reflective material; or*
    - (bb) *shall be painted red and have retro-reflectors in each corner; or*
  - (ii) *is an emergency sign contemplated in paragraph (b);*



- (b) *any other motor vehicle, unless there is carried on such vehicle at least one emergency warning sign which is a warning sign complying with the requirements of standard specification SABS 1329 "Retro-reflective and Fluorescent Warning Signs for Road Vehicles" Part 1: "Triangles or UN ECE Regulation 27 "Uniform provisions for the approval of advance-warning triangles" and bears a certification mark.*

*Provided that in the case of a combination of motor vehicles, the emergency warning sign for every motor vehicle of such combination may be carried on the drawing vehicle.*

- (2) *Where a motor vehicle is for any reason stationary on the roadway or the shoulder of a public road, the driver of such vehicle shall display or cause to be displayed at least one emergency warning signs in the manner contemplated in subregulation (4).*
- (3) *No person shall, without lawful cause, remove or tamper with any emergency warning sign, which is being displayed in accordance with the provisions of this regulation.*
- (4) *At least one emergency warning sign shall be displayed in the following manner:*
  - (a) *The sign shall be placed not less than 45 metres from the motor vehicle along the roadway of the public road concerned in the direction from which traffic will approach such vehicle when travelling on the side of the roadway closest to such motor vehicle;*
  - (b) *the sign shall be placed approximately as far from the edge of the roadway as the transverse centre of the motor vehicle is from the edge of the roadway; and*
  - (c) *the reflective side of the sign shall face in the direction from which any traffic will approach.*

- (5) *The provisions of subregulation (2) shall not apply where a motor vehicle is stationary—*
- (a) *in a place where a road traffic sign authorises the loading or unloading of a vehicle;*
  - (b) *in compliance with any direction conveyed by a road traffic sign or given by a traffic officer;*
  - (c) *on account of other traffic on the public road concerned and while the driver occupies the driving seat of such motor vehicle; or*
  - (d) *in the course of events accompanying the carrying out of a State or municipal function.*

### ***Speedometers***

**Reg 215.** (1) *No person shall operate on a public road a motor vehicle which is designed for or capable of reaching a speed of 60 kilometres per hour or more on a reasonably level road, unless such vehicle is equipped with a speedometer which is in a good working order.*

- (1A) *No person shall operate a minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with a speed governor;*

#### ***(Subregulation (1A) not yet in force)***

- (2) *The provisions of subregulation (1) shall not apply to—*
- (a) *a trailer; or*
  - (b) *Deleted*

### ***Motor vehicles operated on public road to comply with compulsory vehicle specifications***

**Reg 216.** (1) *A motor car, mini-bus, bus or goods vehicle fitted with at least four wheels, or a trailer, operated on a public road, shall comply with the relevant requirements as specified in the Government Notices issued in terms of section 22 of the Standards Act, 1993 (Act No. 29 of 1993) and listed in Annex A to code of practice SABS 047: “The testing of motor vehicles for roadworthiness”.*

- (2) *No person shall operate on a public road a motor vehicle unless all the equipment required to be on such motor vehicle in terms of subregulation (1), is fitted to such vehicle and in good working order.*
- (3) *Notwithstanding anything pertaining to the extent of the application of the requirements referred to in subregulation (1), any motor vehicle design or any design of a motor vehicle modification submitted to the inspectorate of manufacturers, builders and importers in terms of regulation 43, shall comply with the requirements relevant to such motor vehicle design or any design of a motor vehicle modification.*

### ***Wheel flaps***

**Reg 217.** (1) *After 1 July 1999, no person shall operate a trailer with a gross vehicle mass exceeding 3 500 kg, or a bus or goods vehicle with a gross vehicle mass exceeding*

7 500 kg, on a public road unless it is fitted with wheel flaps—

- (a) which are properly maintained and approved by the vehicle manufacturer;  
or
  - (b) which comply with standard specification SABS 1496 “Wheel flaps fitted to motor vehicles”.
- (2) The provisions of subregulation (1) shall not apply to—
- (a) a chassis or a cab and chassis which is being driven to a manufacturer, builder or motor dealer;
  - (b) a truck-tractor; or
  - (c) a vehicle which complies with the provisions of standard specification SABS 1496 “Wheel flaps fitted to motor vehicles”, due to its design.

#### ***Rear underrun protection device***

**Reg 218.** Subject to such exemptions as may be provided for under any specification as referred to in regulation 216, a rear underrun protection device which complies with the standard specification SABS 1055 “Rear underrun protection devices”, shall be fitted to—

- (a) a trailer the gross vehicle mass of which exceeds 3 500 kg, first registered on or after 1 January 1988;
- (b) any other goods vehicle the gross vehicle mass of which exceeds 12 000 kg, first registered on or after 1 January 1988,

but after 1 January 2000, such rear underrun protection device shall be fitted to any trailer the gross vehicle mass of which exceeds 3 500 kg and any goods vehicle the gross vehicle mass of which exceeds 12 000 kg.

#### ***Axle or axle unit to be fitted to semi-trailer***

**Reg 219.** A semi-trailer first registered on or after 1 July 1999, shall be fitted with only one axle or one axle unit, which axle unit shall be fitted with suspension of one type only namely either air suspension, steel suspension, or rubber suspension.

#### ***Certain vehicles exempt from certain provisions of this Part***

**Reg 220.** (1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine, is exempt from the provisions of this Part, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210, 211 and 212: Provided that—

- (a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres;
- (b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary



*in order to allow other vehicular traffic to pass;*

- (c) *no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.*
- (2) *Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for bona fide agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, shall, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210 and 212, be excluded from the provisions of this part: Provided that—*
  - (a) *no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;*
  - (b) *the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;*
  - (c) *no such vehicle shall be operated on a freeway.*
- (3) *A motor vehicle manufactured before 1965 is exempt from any provisions of this Part in so far as the fitment of the equipment required in terms of this Part will alter the original design and equipment of such motor vehicle.*

## **Part III**

### **Dimensions of vehicles**

#### ***Overall length of vehicle***

**Reg 221.** *No person shall operate on a public road—*

- (a) *a trailer which is coupled to a drawing vehicle in such a manner that the trailer and the drawing vehicle cannot swivel in a horizontal plane at the coupling, if the overall length including any drawbar or coupling exceeds one comma eight metres;*
- (b) *a trailer with one axle or one axle unit, other than a semi-trailer—*
  - (i) *the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 11,3 metres; or*
  - (ii) *the gross vehicle mass of which does not exceed 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds eight metres;*
- (c) *a trailer not referred to in paragraph (b), excluding a semi-trailer, the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 12,5 metres;*
- (d) *an articulated motor vehicle or any other combination of motor vehicles consisting of a drawing vehicle and a semi-trailer, if the overall length of such motor vehicle or combination of motor vehicles, including any drawbar or coupling, exceeds 18,5 metres;*

- (e) *a bus-train, if the overall length thereof exceeds 22 metres; Provided that in the case of a rapid transport bus-train, the limit on the overall length shall not exceed 26 metres*
- (eA) *a bus, if the overall length thereof exceeds 15 metres;*
- (f) *any other vehicles, excluding a semi-trailer, if the overall length thereof, including any drawbar or coupling, exceeds 12,5 metres; or*
- (g) *any other combination of motor vehicles, if the overall length thereof, including any drawbar or coupling, exceeds 22 metres: Provided that the provisions of this paragraph shall not apply to a breakdown vehicle while towing another motor vehicle.*

*Provided that equipment fitted to the front of a vehicle to protect its bodywork and lighting equipment and that increases the overall length of that vehicle by not more than 300 millimetres, shall not be taken into account for the purpose of calculation of the overall length of a vehicle: Provided further that the said protection equipment does not include the bumper fitted by the manufacturer of the motor vehicle concerned.*

### ***Restriction on combination of motor vehicles***

- Reg 222.** (1) *Subject to subregulation (3), no person shall operate on a public road any combination of motor vehicles—*
- (a) *other than a drawing vehicle and one or two trailers;*
  - (b) *other than a motor vehicle drawing one other motor vehicle which is not a trailer; and*
  - (c) *other than a motor vehicle drawing another motor vehicle which is not a trailer, and a trailer, in the case of an emergency or a breakdown.*
- (2) *Subject to subregulation (3), no person shall operate on a public road a combination of motor vehicles—*
- (a) *consisting of a trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane, if the combined length of such trailer, including any drawbar or coupling and the rear overhang of the drawing vehicle, exceeds three comma one metres;*
  - (b) *consisting of a trailer or trailers attached to a drawing vehicle if the length of the drawbar of any trailer in such combination, where such trailer has more than one axle, exceeds two metres: Provided that in the case of an underslung coupling, the drawbar may exceed two metres if the distance between the two vehicles does not exceed two comma five metres.*
- (3) *Subject to regulation 239(2), any combination of vehicles may be towed by a breakdown vehicle if the brake system of the towed combination, excluding the drawing vehicle of such combination, is functional and coordinated with the working of the brakes of the breakdown vehicle.*
- (4) *For the purposes of paragraph (a) of subregulation (1), a converter dolly shall, when used in combination with a semi-trailer, be deemed not to be a trailer.*
- (5) *Notwithstanding anything contained in this regulation, no person shall use a breakdown vehicle or motor vehicle, that must display the information referred to*

*in regulation 245(1)(b)(v), to tow or draw another vehicle on a public road, unless such information is displayed in terms of regulation 245 on such breakdown vehicle or motor vehicle.*

### **Overall width of vehicle**

**Reg 223.** *No person shall operate on a public road—*

- (a) a bus of which the distance between the centre-lines of the tyres of the two front wheels exceeds one comma nine metres, if the overall width of such bus exceeds two comma six metres;*
- (b) a goods vehicle the gross vehicle mass of which is 12 000 kilograms or more, if the overall width thereof exceeds two comma six metres; or*
- (c) any other vehicle, if the overall width thereof exceeds two and a half metres.*

### **Overall height of vehicle and load**

**Reg 224.** *No person shall operate on a public road a motor vehicle together with any load thereon, the overall height of which—*

- (a) in the case of a double-deck bus exceeds four comma six five metres; and*
- (b) in the case of any other motor vehicle exceeds four comma three metres.*

#### **Regulation 224**

*[Government Gazette No: 34621, Notice number 776, dated 20 September 2011]*

#### **EXEMPTION OF MOTOR VEHICLES THAT DOES NOT COMPLY WITH THE HEIGHT RESTRICTION IN TERMS OF THE NATIONAL ROAD TRAFFIC ACT, 1996.**

**I, S'busiso Joel Ndebele**, Minister of Transport, acting in terms of section 75(1)(d) of the National Road Traffic Act, 1996, exempt the operation of motor vehicles transporting an ISO Container from complying with the provision of regulation 224(b) of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996) for the period of 7 (seven) years effective from the date of publication of this Notice until **1 January 2019**.

(Signed)

**S'busiso Joel Ndebele**

**MINISTER OF TRANSPORT**

### **Turning radius and wheelbase**

**Reg 225.** *No person shall operate on a public road a vehicle—*

- (a) the maximum turning radius of which exceeds 13,1 metres: Provided that in the case of a bus-train and a twin steer 4 axle rigid goods vehicle, the turning radius exceeds 17,5 metres; and*
- (b) the wheelbase of which exceeds, in the case of—*
  - (i) a semi-trailer, 10 metres;*
  - (ii) a bus-train, 8,5 metres, measured from the from the centre of the front axle to the centre of the middle axle or axle unit; or*
  - (iii) any other vehicle, eight and a half metres.*

### ***Overhang of vehicle***

**Reg 226.** (1) *No person shall operate on a public road—*

- (a) *a semi-trailer, the front overhang of which exceeds one comma eight metres; or*
- (b) *a vehicle, other than a semi-trailer or a trailer with one axle or one axle unit, the front overhang of which exceeds—*
  - (i) *60 per cent of the wheelbase;*
  - (ii) *six comma two metres in the case of a vehicle having the front surface of the back rest of the driving seat at seat level not more than one comma seven metres from the front end of the vehicle when such seat, if adjustable, is in the rearmost position, less half the wheelbase: Provided that the wheelbase of a bus-train shall be the distance measured from the centre of the front axle to the centre of the middle axle; or*
  - (iii) *five comma eight metres in the case of any other vehicle, less half the wheelbase.*

(2) *No person shall operate on a public road—*

- (a) *a vehicle designed or adapted for use in connection with street cleaning or the disposal of refuse or sewage, or any vehicle referred to in regulations 220, 230 or 249, or any bus, or motor home, the rear overhang of which exceeds 70 per cent of its wheel base;*
- (b) *a trailer, other than a semi-trailer, which is equipped with—*
  - (i) *one axle;*
  - (ii) *one axle unit; or*
  - (iii) *two axles, the distance between the centre-lines of which is less than one comma two metres,*  
*if the rear overhang exceeds 50 per cent of the length of the body of such trailer; or*
- (c) *any vehicle, not referred to in paragraph (a) or (b), the rear overhang of which exceeds 60 per cent of its wheelbase.*

### ***Projections in case of vehicle other than motor cycle, motor tricycle or pedal cycle***

**Reg 227.** (1) *No person shall operate on a public road a vehicle, other than a motor cycle, motor tricycle or pedal cycle--*

- (a) *carrying any goods which project--*
  - (i) *either side of the longitudinal centre-line of the vehicle by more than--*
    - (aa) *in the case of a bus contemplated in regulation 223(a) or a goods vehicle contemplated in regulation 223(b), one comma three metres; or*
    - (bb) *in the case of any other vehicle, one comma two five metres: Provided that any side mirror or direction*

*indicator on the vehicle shall not be taken into account;*

- (ii) more than 300 millimetres beyond the front end of the vehicle; or*
- (iii) more than one comma eight metres beyond the rear end of the vehicle; or*
- (b) of which-*
  - (i) the front overhang, together with any projection, exceeds the front overhang as provided in regulation 226(1)(b); or*
  - (ii) any bracket projects more than 150 millimetres beyond the widest part of the vehicle.*

*(2) No person shall operate on a public road a vehicle or combination of vehicles where the combined length of such vehicle or combination of vehicles and any projection exceeds the overall length prescribed in regulation 221 for such vehicle or combination of vehicles.*

#### ***Projections in case of motor cycle, motor tricycle or pedal cycle***

**Reg 228.** *No person shall operate on a public road a motor cycle, motor tricycle, or pedal cycle if any goods carried thereon, or on any portion or side-car of such cycle, project more than 600 millimetres to the front of the axle centre of the front wheel or more than 900 millimetres to the rear of the axle centre of the rear wheel or more than 450 millimetres on either side of the wheels of such cycle, or more than 300 millimetres to the outside of the wheel of any side-car: Provided that the provisions of this regulation shall not apply in respect of any side mirror or crash bar.*

#### ***Warning in respect of projecting load***

- Reg 229.** (1) *No person shall operate a vehicle on a public road if the load on such vehicle projects more than 150 millimetres beyond the side thereof, unless—*
- (a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly visible at a distance of 150 metres, the extent of such projection is indicated—*
    - (i) by means of either a white retro-reflector or a lamp emitting a white light, fitted at the outer edge of the front of such load; and*
    - (ii) by means of either a red retro-reflector or a lamp emitting a red light, fitted at the outer edge of the rear of such load; and*
  - (b) during any other period, the extent of such projection is indicated by means of flags of red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the front and rear of such projection.*
- (2) *No person shall operate a vehicle on a public road if the load on such vehicle projects more than 300 millimetres beyond the rear thereof, unless—*
- (a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and*

*vehicles upon the public road would not be clearly visible at a distance of 150 metres—*

- (i) the width of such projection is indicated by means of red retro-reflectors or lamps emitting a red light fitted on the end of such projection: Provided that where the width of any such projection is less than 600 millimetres it shall be sufficient for the purpose of indicating such width to fit one retro-reflector or lamp on the end thereof; and*
- (ii) the length of such projection is indicated by means of yellow retro-reflectors or lamps emitting a yellow light fitted on both sides of such projection at the end thereof; and*
- (b) during any other period, the length of such projection is indicated by means of a red flag or red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the end of such projection, and the width of such projection is indicated by means of such flags suspended by two adjacent corners thereof parallel to the direction in which the vehicle is travelling, from both sides of such projection at the end thereof: Provided that where the width of such projection is less than 600 millimetres it shall be sufficient for the purposes of indicating such projection to suspend one such flag from the end thereof.*
- (3) For the purposes of this regulation, the light of any lamp shall comply with the provisions of regulation 158(2).*

#### ***Certain vehicles exempt from provisions of this Part***

- Reg 230.** *(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine is exempt from the provisions of this Part, except for the provisions of regulations 224 and 226: Provided that—*
- (a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;*
  - (b) the overall width of any such vehicle shall not exceed three and a half metres;*
  - (c) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;*
  - (d) any such vehicle exceeding the overall length prescribed in regulation 221 or the overall width prescribed in regulation 223 shall display two flags of red cloth not less than 600 millimetres by 600 millimetres, in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel; and*

- (e) *no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.*
- (2) *Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for bona fide agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, is exempt from the provisions of this Part, except for the provisions of regulation 224: Provided that—*
- (a) *no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;*
  - (b) *the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;*
  - (c) *where such vehicle—*
    - (i) *exceeds the overall length prescribed in regulation 221;*
    - (ii) *encroaches beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; or*
    - (iii) *is more than two comma six metres but less than three and a half metres wide,*

*two flags of red cloth shall be displayed not less than 600 millimetres by 600 millimetres in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel, but the vehicle may be fitted with amber flashing lights in lieu of such flags; and*
  - (d) *the overall width of any such vehicle shall not exceed four and a half metres: Provided further that when the overall width exceeds three and a half metres—*
    - (i) *such vehicle shall not normally encroach beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; and*
    - (ii) *if such vehicle does encroach beyond half the width of the roadway, two escort vehicles with the headlamps switched on and displaying red flags of the size prescribed in paragraph (c) or amber flashing lights shall be provided, one travelling in front and one to the rear of such vehicle;*
  - (e) *no such vehicle shall be operated on a freeway.*

## **Part IV**

### **Loads on vehicles**

#### ***Manner in which children to be counted for purposes of regulations***

**Reg 231.** *For the purposes of establishing the number of persons that may in terms of these regulations, other than regulation 263, be carried on any vehicle, other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle—*

- (a) any child under the age of three years shall not be counted;*
- (b) two children of three years or over but under the age of six years shall be counted as one person; and*
- (c) three children of six years or over but under the age of 13 years shall be counted as two persons;*

*Provided that in applying the provisions of this regulation, fractions shall be disregarded.*

#### ***Mass of person and luggage for determining mass of load maximum load for homologation and testing purposes.***

**Reg 232.** *For the purpose of establishing the maximum mass of a person and his or her hand luggage which may be conveyed on a motor vehicle for the purpose of determining the seating capacity of such vehicle to homologate a vehicle.*

- (a) the mass of a person together with his or her hand luggage shall, be taken as 68 kilograms;*
- (b) in the case of a motor vehicle which is fitted with—*
  - (i) a luggage compartment, the mass of luggage shall be calculated at the rate of 100 kilograms per cubic metre; or*
  - (ii) a roof rack, the mass of luggage shall be calculated at the rate of 75 kilograms per square metre of area of the roof rack.*

#### ***Number of persons that may be carried on motor vehicle in relation to seating capacity***

**Reg 233. (1)** *Subject to the provisions of regulation 231, no person shall operate on a public road a motor vehicle, other than a minibus or bus which is used for hire or reward, motor cycle, motor tricycle, motor quadrucycle or pedal cycle if—*

- (a) the number of persons on any seat of such vehicle exceeds the number of persons for whom seating accommodation is provided for on such seat, at the rate of 380 millimetres per person measured at the widest part of the seat with the doors closed; and*
- (b) the total number of persons carried on such vehicle, excluding persons carried in the goods compartment of the vehicle, exceeds the number of persons for whom seating accommodation, determined in the manner referred to in paragraph (a), is available in such vehicle: Provided that, one child over the age of three years but under the age of six years may be carried on each transverse seat, in excess of the number of persons for whom seating accommodation is available on such seat, determined in the manner referred to in paragraph (a).*



- (2) *Subject to the provisions of regulation 231, no person shall operate on a public road, a minibus, midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006, if the number of persons on any seat exceeds the number of persons for whom seating accommodation is provided for, on such a seat at a rate of 400 millimetres per person, measured at the widest part of the seat with the doors closed.*
- (2A) *Subject to the provisions of regulation 231, no person shall operate on a public road, a rapid transport bus or a rapid transport bus-train if the number of seated persons exceeds the number of persons for whom seating accommodation is provided for, on such a seat at a minimum rate of 420 millimeters per person, measured at the widest part of the seat with the doors closed but which does not apply to tip up seats in the wheelchair bay.*
- (3) *For the purposes of subregulations (1) and (2) a row of seats shall be regarded as one seat.*
- (4) *Where in this regulation a reference is made to a maximum or minimum dimension, a tolerance of 10 millimeters shall apply to such dimension.*

***Permissible maximum axle massload of vehicle***

- Reg 234.** (1) *No person shall operate on a public road a mini-bus, bus, tractor or goods vehicle if the permissible maximum axle massload of such vehicle is exceeded.*
- (2) *The permissible maximum axle massload of a vehicle shall be the least of the mass limits determined by—*
- (a) *regulation 238(1) in respect of a vehicle fitted with pneumatic tyres or regulation 238(2) and 243 in respect of a vehicle fitted with tyres other than pneumatic tyres;*
  - (b) *regulation 239(1)(a)(ii); and*
  - (c) *regulation 240(a), (b) and (c).*

***Permissible maximum axle unit massload of vehicle***

- Reg 235.** (1) *No person shall operate on a public road a mini-bus, bus, tractor or goods vehicle if the permissible maximum axle unit massload of such vehicle is exceeded.*
- (2) *The permissible maximum axle unit massload of a vehicle shall be the least of the mass limits determined by—*
- (a) *regulation 238(1) in respect of a vehicle fitted with pneumatic tyres or regulation 238(2) and 243 in respect of a vehicle fitted with tyres other than pneumatic tyres;*
  - (b) *regulation 239(1)(a)(iii); and*
  - (c) *regulation 240(d), (e), (f) and (g).*

***Permissible maximum vehicle mass***

- Reg 236.** (1) *No person shall operate on a public road a mini-bus, bus, tractor or goods vehicle if the permissible maximum vehicle mass of such vehicle is exceeded.*

- (2) *The permissible maximum vehicle mass of a vehicle shall be the least of the mass limits determined by—*
- (a) *the sum of all the permissible maximum axle massloads and axle unit massloads of the vehicle as contemplated in regulations 234 and 235;*
  - (b) *regulation 239(1)(a)(i);*
  - (c) *regulation 239(2);*
  - (d) *regulation 239(3); and*
  - (e) *regulation 241:*

*Provided that the permissible maximum vehicle mass of such vehicle shall not exceed 56 000 kilograms.*

#### ***Permissible maximum combination mass***

**Reg 237.** (1) *No person shall operate on a public road a combination of vehicles where the drawing vehicle is a mini-bus, bus, tractor or goods vehicle, if the permissible maximum combination mass of such combination is exceeded.*

- (2) *The permissible maximum combination mass of a combination of vehicles shall be the least of the mass limits determined by—*
- (a) *the sum of all the permissible maximum axle massloads and axle unit massloads of the combination of vehicles as contemplated in regulations 234 and 235;*
  - (b) *regulation 239(1)(b);*
  - (c) *regulation 239(2);*
  - (d) *regulation 239(3); and*
  - (e) *regulation 241:*

*Provided that the permissible maximum combination mass of such combination shall not exceed 56 000 kilograms.*

#### ***Load on tyres***

**Reg 238.** (1) *No person shall operate on a public road a motor vehicle—*

- (a) *which is fitted with pneumatic tyres, where any wheel massload is in excess of the wheel massload referred to in the appropriate part of the standard specification SABS 1550 “Motor Vehicle Tyres and Rims: Dimensions and Loads”, Part 1: “General”, Part 2: “Passenger car tyres”, and Part 3: “Commercial vehicle tyres”; or*
- (b) *where any pneumatic tyre is not mentioned in the standard specification referred to in paragraph (a), where the wheel massload is in excess of the wheel massload approved by the manufacturer of the tyre concerned:*

*Provided that for the purposes of determining the pressure in a tyre the temperature of the tyre shall be disregarded.*

- (2) *No person shall operate on a public road any vehicle fitted with tyres, other than pneumatic tyres, if the wheel massload exceeds eight kilograms per one millimetre*

*width of any such tyre.*

***Gross vehicle mass, gross axle massload, gross axle unit massload, gross combination mass, power to mass ratio and axle massload of driving axle to total mass ratio not to be exceeded***

**Reg 239.** (1) *No person shall operate on a public road a mini-bus, bus, tractor or goods vehicle—*

(a) *if—*

- (i) *the gross vehicle mass;*
- (ii) *any gross axle massload; or*
- (iii) *any gross axle unit massload,*  
*is exceeded;*

(b) *drawing any other motor vehicle if the gross combination mass is exceeded.*

(2) *No person shall operate on a public road a vehicle which is a minibus, bus, tractor or goods vehicle if the mass in kilograms of such vehicle or of a combination of vehicles of which such first-mentioned vehicle forms a part, whether laden or unladen, exceeds a figure arrived at by multiplying the net power in kilowatts of the engine of such vehicle as determined in accordance with or calculated with due regard to code of practice SABS 013 “The determination of performance (at net power) of internal combustion engines”—*

(a) *in the case of the drawing vehicle being a tractor by 400; or*

(b) *in the case of any other vehicle by 240.*

(3) *No person shall operate on a public road a vehicle which is a mini-bus, bus, tractor or goods vehicle if the mass in kilograms of such vehicle or of a combination of vehicles of which such first-mentioned vehicle forms a part, whether laden or unladen, exceeds five times the total axle massload of the driving axle or axles of such vehicle.*

***Massload carrying capacity of road***

**Reg 240.** *No person shall operate on a public road a motor vehicle or a combination of motor vehicles, the wheels of which are fitted with pneumatic tyres, if—*

(a) *the wheel massload of wheels—*

- (i) *which are fitted to a steering axle, exceeds 3 850 kilograms; or*
- (ii) *which are fitted to axles other than a steering axle, exceeds 4 000 kilograms;*

(b) *the axle massload of an axle fitted with two or three wheels and—*

- (i) *which is a steering axle, exceeds 7 700 kilograms; or*
- (ii) *which is an axle other than a steering axle, exceeds 8 000 kilograms;*

(c) *the axle massload of an axle fitted with four wheels and—*

- (i) *which is fitted to a vehicle designed to compact refuse and which is carrying such refuse, exceeds 10 200 kilograms;*

- (ii) *which is fitted to a breakdown vehicle, exceeds 10 200 kilograms;*
- (iii) *which is placed in the rear or middle of a bus-train, exceeds 10 200 kilograms; Provided that in the case of a rapid transport bus-train the limit on the drive axle shall be 13 000 kilograms and on the other non-steering axle shall be 13 000 kilograms.*
- (iv) *which is fitted to a bus, other than a bus-train, exceeds 10 200 kilograms; or*  
*Provided that in the case of a rapid transport complementary bus, or a rapid transport trunk bus, this limit shall be 12 000 kilograms*
- (v) *which is not mentioned in items (i) to (iv), exceeds 9 000 kilograms;*
- (d) *the axle massload of an axle unit which consists of two axles, each of which are fitted with two or three wheels, and—*
  - (i) *which is a steering axle unit, exceeds 15 400 kilograms; or*
  - (ii) *which is an axle unit other than a steering axle unit, exceeds 16 000 kilograms;*
- (e) *the axle massload of an axle unit which consists of two axles, each of which are fitted with four wheels, and—*
  - (i) *which is fitted to a vehicle, except a trailer, designed to compact refuse and which is carrying such refuse, exceeds 20 400 kilograms;*
  - (ii) *which is fitted to a breakdown vehicle, exceeds 20 400 kilograms; or*
  - (iii) *which is not mentioned in items (i) and (ii), exceeds 18 000 kilograms;*
- (f) *the axle massload of an axle unit which consists of three or more axles, each of which are fitted with two or three wheels, and—*
  - (i) *which is a steering axle unit, exceeds 23 100 kilograms; or*
  - (ii) *which is an axle unit other than a steering axle unit, exceeds 24 000 kilograms; or*
- (g) *the axle massload of an axle unit which consists of three or more axles, each of which are fitted with four wheels, exceeds 24 000 kilograms; and*
- (h) *The axle mass load of an axle-unit which consists of two axles, one of which is a drive axle with four wheels and the other is an axle with two wheels, and which is fitted to a rapid transport bus, if the sum of the two axle mass loads exceeds 18 200 kilograms.*

*Provided that the limitations on steering axles and steering axle-units in paragraph (a), (b) , (d) and (f) above, do not apply to any axle or axle-units which assist in reducing the turning circle of a rapid transport bus or rapid transport bus-train, but which is not the front axle or front axle-unit.*

### ***Massload carrying capacity of bridges***

- Reg 241.** (1) *No person shall operate on a public road a vehicle or combination of vehicles, the wheels of which are fitted with pneumatic tyres, if the total axle massload of any group of axles of such vehicle or combination of vehicles exceeds the mass in kilograms determined by multiplying the dimension of such group measured as referred to in subregulation (3) by 2 100 and adding 18 000.*
- (2) *A group of axles referred to in subregulation (1) may comprise any series of axles, but shall not consist of one axle unit referred to in regulation 240(d), (e), (f) or (g) alone.*
- (3) (a) *The dimension referred to in subregulation (1) shall be measured in metres and tenths of a metre from the centre of the first axle of any group of axles to the centre of the last axle of such group.*
- (b) *If the dimension so measured is not a definite figure in metres and tenths of a metre, the next highest number in tenths of a metre with which the dimension so measured is exceeded shall be used for the calculation referred to in subregulation (1).*
- (c) *Where a group of axles of a combination of vehicles is measured, the vehicles of such combination shall be positioned in line and both sides of such combination of vehicles shall be measured, and if the dimensions of the two sides differ, the longer dimension shall be used for the calculation referred to in subregulation (1).*

### ***Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres***

- Reg 242.** *Notwithstanding the provisions of regulation 240, no person shall operate on a public road a motor vehicle which is fitted with pneumatic tyres if—*
- (a) *on any axle with—*
- (i) *two tyres, the wheel massload on one tyre exceeds the wheel massload on the other tyre by more than 10 per cent; or*
- (ii) *four tyres, the wheel massload on two tyres nearest to each other exceeds the wheel massload on the other two tyres by more than 10 per cent;*
- (b) *in the case of a combination of motor vehicles consisting of a truck-tractor and at least one semi-trailer, the axle massload of any steering axle or the sum of the axle massloads of any steering axle unit is less than 11 percent of the sum of all axle massloads of the truck-tractor and the first semi-trailer that is coupled to the truck-tractor, of the said combination of motor vehicles;*
- (c) *in the case of a motor vehicle, not being a combination of motor vehicles as referred to in paragraph (b), with a steering axle unit, the sum of the axle massloads of such steering axle unit is less than 30 percent of the sum of all axle massloads of such vehicle; or*
- Provided that in the case of a rapid transport bus-train no limit shall apply;*
- or*
- (d) *in the case of any other vehicle the axle massload of a steering axle is less than 20 per cent of the sum of all axle massloads of such vehicle, except in the case of a tractor when the axle massload of the steering axle shall not be less than 12 per cent of the sum of all the axle massloads of such tractor.*

### ***Axle massload of vehicles fitted with tyres other than pneumatic tyres***

**Reg 243.** *No person shall operate on a public road a vehicle fitted—*

- (a) with metal tyres, if any axle massload of such vehicle exceeds 2 700 kilograms; or*
- (b) with tyres, other than pneumatic or metal tyres, if any axle massload or the sum of all axle massloads of such vehicle exceeds 50 per cent of that permitted for vehicles fitted with pneumatic tyres in terms of regulation 240 or, if the axle massload of any steering axle of such vehicle does not comply with the requirements of paragraphs (b), (c) or (d) of regulation 242.*

### ***Information to be displayed on certain motor vehicles***

**Reg 244.** *No person shall operate on a public road a mini-bus, bus or goods vehicle which, according to the registration certificate thereof was registered for the first time prior to 1 January 1989 and of which the gross vehicle mass does not exceed 3 500 kilograms, unless there is displayed in a conspicuous position on the left side thereof in letters and figures of not less than 40 millimetres in height and which shall be clearly legible at all times—*

- (a) the tare of such vehicle in kilograms (denoted as T);*
- (b) the permissible maximum vehicle mass referred to in regulation 236 in kilograms (denoted as V); and*
- (c) if the vehicle is used to draw any other vehicle, the permissible maximum drawing vehicle mass which shall be the least of the masses determined in terms of regulation 239(1)(b), (2) or (3) in kilograms (denoted as D/T):*

*Provided that if such vehicle is fitted with a plate as referred to in regulation 245, the provisions of this regulation shall not be applicable to such motor vehicle.*

### ***Information plates on certain vehicles***

**Reg 245.** *(1) No person shall operate on a public road a mini-bus, bus or goods vehicle which, according to the registration certificate thereof—*

- (a) was registered for the first time prior to 1 January 1989 and of which the gross vehicle mass exceeds 3 500 kilograms; or*
- (b) was registered for the first time on or after 1 January 1989, unless the following particulars in respect of such mini-bus, bus or a goods vehicle are clearly imprinted or stamped on a metal plate or plates affixed in an accessible place on a door post, under the bonnet or on the dash board of the vehicle concerned or, in the case of a trailer, on the left side thereof in any conspicuous place:*
  - (i) The tare in kilograms (denoted as T);*
  - (ii) the gross vehicle mass in kilograms (denoted as GVM/BVM);*
  - (iii) the gross axle massload or gross axle unit massload of each axle or axle unit in kilograms (denoted as GA/BA and GAU/BAE, respectively);*
  - (iv) in the case of a semi-trailer the gross kingpin massload as specified by the manufacturer (denoted as GKM/BSM);*

- (v) *the gross combination mass in kilograms (denoted as GCM/BKM)*  
—
  - (aa) *in the case of a vehicle that is used to draw any other vehicle; and*
  - (bb) *in the case of a breakdown vehicle registered for the first time from the date of commencement of this item; and*
- (vi) *where applicable, the net power in kilowatts as determined in accordance with or calculated with due regard to code of practice SABS 013 “The determination of performance (at net power) of internal combustion engines;*
- (vii) *the permissible maximum vehicle mass referred to in regulation 236 in kilograms (denoted as V): Provided that this item is not applicable in respect of a semi-trailer;*
- (viii) *the permissible maximum axle massload referred to in regulation 234 or axle unit massload referred to in regulation 235 of each axle or axle unit in kilograms (denoted as A and AU/AE, respectively); and*
- (ix) *the permissible maximum drawing vehicle mass referred to in regulation 244(c) (denoted as D/T).*

*Provided that the provisions of this subregulation shall not apply to a goods vehicle the gross vehicle mass of which does not exceed 3 500 kilograms and which was registered for the first time on or after 1 January 1989, and that has fitted;*

- a) *a metal data plate or plates affixed by rivets, or by welding, or by any other method that will achieve permanency of attachment during the life of the vehicle, in a conspicuous and readily accessible position on a part not subject to replacement, or*
- b) *a self-adhesive tamperproof metal or plastics label that is not transferable from one vehicle to another, is clearly legible, and undergoes permanent and obvious damage on removal. The self-adhesive tamperproof label shall be resistant to engine oils, to engine coolants, to normal engine temperatures and to humidity,*

*in a conspicuous and readily accessible position on a part not subject to replacement, with the following particulars of such goods vehicle, legibly and indelibly printed or stamped, with the following details:*

- i) *the gross vehicle mass, in kilograms, for the model type, denoted and prefixed by the letters GVM/BVM;*
- ii) *the gross combination mass, in kilograms, for the model type, denoted and prefixed by the letters GCM/BKM; and*
- iii) *the gross axle mass-load of each axle, or the gross axle unit mass-load of each axle unit, in kilograms, for the model type, denoted and prefixed by the letters GA/BA or GAU/BAE, as applicable.*

*Provided further that if the information is supplied in the following order, the abbreviations given in i), ii) and iii) above are not required:*

- a) *gross vehicle mass;*

- b) gross combination mass; and
  - c) gross axle masses in the order front to rear
- (2) No person shall operate on a public road a tractor unless it is fitted with a metal plate on which is imprinted—
- (a) the net power of the engine in kilowatts as determined in terms of code of practice SABS 013 “The determination of performance (at net power) of internal combustion engines”, Part 1: “Road vehicle internal combustion engines at sea level”, Part 2: “Compression ignition engines and altitude”, Part 3: “Agricultural vehicle internal combustion engines at sea level” (denoted as P/D);
  - (aA) within six months from the date of commencement of this paragraph, the tare in kilograms (denoted as T);
  - (b) the gross combination mass in kilograms (denoted as GCM/BKM); and
  - (c) the permissible maximum drawing vehicle mass referred to in regulation 244(c) (denoted as D/T):
- Provided that the provisions of this subregulation shall apply—
- (i) from 1 January 1993 in respect of a tractor which according to the registration certificate thereof was registered for the first time on or after 1 January 1993; and
  - (ii) from 1 January 1995 in respect of a tractor which according to the registration certificate thereof was registered for the first time before 1 January 1993.

#### ***Certain vehicles to display notice of load***

**Reg 245A.** (1) No person shall operate on a public road—

- (a) a bus;
  - (b) a minibus—
    - (i) the gross vehicle mass of which exceeds 3 500 kilograms; or
    - (ii) which is designed or adapted for the conveyance of 9 or more persons, including the driver;
  - (c) a minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless it is conspicuously displayed inside such vehicle in numerals of at least 75 millimetres high, a notice stating the load that may be carried on such vehicle in the terms set out in subregulation 2).
- (2) The notice shall-
- (a) in the case of a bus referred to in subregulation (1) that is permitted to convey persons, including wheelchair users and goods, be worded as follows;



*CERTIFIED TO CARRY.....PASSENGERS SEATED AND PASSENGERS STANDING.....KG GOODS AND .....WHEELCHAIR USERS. - (the latter only in vehicles with provision for wheelchairs).*

- (b) *in the case of a midibus referred to in subregulation (1) that is operating in terms of an operating licence issued in accordance with the NLTTA and is permitted to convey persons only including wheelchair users, be worded as follows :*

*CERTIFIED TO CARRY.....PASSENGERS SEATED AND .....PASSENGERS STANDING 0 KG GOODS AND.....WHEELCHAIR USERS (the latter only in vehicles with provision for wheelchairs); and*

- (3) *The requirements for wheelchairs and anchorage shall comply with SANS 10370 "Road vehicles designed or adapted for use by or transporting persons with disabilities.*

### ***Special needs accessibility***

- 245(B).** (1) *No person shall operate on a public road a rapid transport bus or a rapid transport bus-train or a rapid transport feeder bus or midibus, unless it is provided with:*

- (a) *facilities and equipment to accept and secure wheelchairs in accordance with SANS 10370;*
- (b) *seats, known as priority seats for passengers with special needs, which shall be situated in a position near to a door that is suitable for boarding and alighting and shall comply with clause 3.2 of Annex 8 of SANS 20107. The colour of the priority seats shall contrast with the colour of the other seats in the rapid transport bus or rapid transport bus-train or rapid transport feeder bus or midibus;*
- (c) *communication devices shall be placed adjacent to priority seats and within spaces for securing wheelchairs. The devices shall comply with clause 3.3 of Annex 8 of SANS 20107;*
- (e) *vehicles fitted with space for wheelchairs shall display pictograms in accordance with Annex 4 of SANS 20107 and which are visible from the outside of the vehicle, both on the front nearside and adjacent to the relevant boarding and alighting door. Such pictograms (Figure 23A or Figure 23B) shall also be placed internally adjacent to the wheelchair space or the priority seat;*
- (f) *steps, ramps and lifts shall be in accordance with SANS 10370.*
- (2) *The facilities and equipment in subregulation (1) shall be provided at the following minimum rates:-*
- (a) *In the case of a rapid transport bus at least one wheelchair, and six priority seats; In the case of rapid transport bus-train at least two*

*wheelchairs, and eight priority seats;*

- (b) *In the case of a rapid transport feeder bus or midibus at least one wheelchair, and 2 priority seats; .*

### ***Manner in which goods to be carried***

**Reg 246.** *No person shall operate on a public road a motor vehicle carrying any goods—*

- (a) *in such a manner as to come into contact with the surface of the public road on which the vehicle is being operated but a chain, known as a “static chain”, may be carried in contact with the surface of such road;*
- (b) *in such a manner as to obscure the driver’s view of traffic to the front or on either side, or his or her view in the rear-view mirror or mirrors of traffic to the rear;*
- (c) *which are not—*
  - (i) *safely contained within the body of such vehicle; or*
  - (ii) *securely fastened to such vehicle,*  
*and which are not properly protected from being dislodged or spilled from such vehicle;*
- (d) *on the roof thereof, in the case where such vehicle is a motorcar, if the height of such goods measured from the highest point of such roof exceeds one-half of the height of the motor car, measured from ground level: Provided that the provisions of this paragraph shall not be applicable in respect of pedal cycles being transported on the roof of a motor vehicle; or*
- (e) *in any container, which has provision for fastening by means of “twist locks”, unless such container is securely fastened by at least four “twist locks” and the provision of this paragraph are also applicable to empty containers carried on a motor vehicle, but two “twist locks” may be used to fasten a container which, measured parallel to the length of the vehicle, is at least one comma five metre in length and less than three metres in length.*

### ***Circumstances under which persons may be carried on goods vehicle***

**Reg 247.** *No person shall operate on a public road a goods vehicle conveying persons unless that portion of the vehicle in which such persons are being conveyed is enclosed to a height of—*

- (a) *at least 350 millimetres above the surface upon which such person is seated; or*
- (b) *at least 900 millimetres above the surface on which such person is standing, in a manner and with a material of sufficient strength to prevent such person from falling from such vehicle when it is in motion.*

*Provided that no person shall be conveyed in the goods compartment together with any tools or goods, except their personal effects, unless that portion in which such persons are being conveyed is separated by means of a partition, from the portion in which such goods are being conveyed.*

### ***Presumptions***

**Reg 248.** (1) *If, in a prosecution for an offence under regulations 234 to 243 inclusive, an*

*allegation is made in the charge sheet or summons in relation to—*

- (a) the gross vehicle mass;*
- (b) the gross axle mass;*
- (c) the gross axle unit massload;*
- (d) the gross combination mass;*
- (e) the net power in kilowatts of any bus or goods vehicle;*
- (f) the permissible maximum vehicle mass referred to in regulation 236;*
- (g) the permissible maximum combination mass referred to in regulation 237;*  
*or*
- (h) the permissible maximum axle massload or maximum axle unit massload, referred to in regulation 234 or 235 respectively,*

*such allegation shall, in the absence of evidence to the contrary, be presumed to be correct.*

- (2) The fact that differing results may be obtained on successive attempts at determining the axle massload of an axle which is part of an axle unit shall not, by itself, prove the massload alleged in a prosecution, to be incorrect.*
- (3) In a prosecution for an alleged offence in terms of regulation 241, any distance in metres alleged on the charge sheet or summons, used to calculate the maximum permissible massload of any group of axles, shall in the absence of evidence to the contrary, be deemed to be correct.*
- (4) The massloads of all the individual axles of—*
  - (a) an axle unit, may be added to obtain the total massload of such axle unit;*
  - (b) a group of axles, may be added to obtain the total massload of such group of axles;*
  - (c) a vehicle, may be added to obtain the total massload of such vehicle; or*
  - (d) a combination of vehicles, may be added to obtain the total massload of such combination of vehicles.*
- (5) Notwithstanding anything to the contrary contained in these regulations, where an owner of a motor vehicle has been issued with a motor vehicle licence for that vehicle, such owner shall not be competent, in respect of the year to which such licence is applicable, to prove that the tare of such vehicle is either greater or less than the tare upon which the fees payable for such licence were calculated: Provided that the provisions of this subregulation shall not apply in respect of an owner of a motor vehicle who is prosecuted for and found guilty of a contravention of section 67 of the Act where such contravention relates to the tare referred to in this subregulation.*

### ***Certain vehicles exempt from provisions of this Part***

**Reg 249.** (1) *Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine, is, except for the provisions of regulations 234 to 245, exempt from the provisions of this Part: Provided that—*

- (a) *no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;*
  - (b) *the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass; and*
  - (c) *no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.*
- (2) *Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for bona fide agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, is exempt from the provisions of this Part, except for the provisions of regulations 234 to 245 in so far as it relates to the tare, gross vehicle mass and maximum permissible drawing vehicle mass: Provided that—*
- (a) *no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;*
  - (b) *the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;*
  - (c) *no such vehicle shall be operated on a freeway.*

## **Part V**

### **Provisions relating to passenger carrying vehicles**

#### ***Persons not to be carried in goods compartment for reward***

**Reg 250.** *No person shall on a public road carry any person for reward in the goods compartment of a motor vehicle.*

#### ***Sides and roof***

**Reg 251.** (1) *No person shall operate, on a public road, a minibus, midibus or bus unless -*

- (a) *the sides of the passenger compartment of a minibus, midibus or bus are enclosed to the height of at least 600 millimetres from the floor with material which is durable and weatherproof;*
  - (b) *such minibus, midibus or bus is provided with a weatherproof roof.*
- (2) *No person shall operate a midibus, a minibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA registered for the first time after 5 October 2001 on a public road, unless the height, along the longitudinal center-line, between the floor and the lowest part of the roof structure of such bus or minibus,*

*between the floor and the ceiling of the lower deck of a double deck bus, as the case may be,*

- (a) is in the case of a bus conveying standing persons, not less than 1,75 metres in the areas where persons may stand in terms of regulation 263;*
- (b) in the case of a minibus not conveying standing persons, is not less than 1,5 metres; and in the case of a midibus, is not less than 1,75 metres; and*
- (c) in the case of a rapid transport bus or a rapid transport bus-train is not less than 1, 9 metres*

- (3) A minibus or midibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall not carry standing persons.*

#### ***Entrances, exits and emergency exits of mini-buses and buses***

**Reg 252.** *(1) (a) A minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall be equipped with at least one passenger entrance leading from the left front side of such vehicle, Provided that: the provisions of this subregulation shall not apply to double deck bus which has a passenger entrance at the rear leading to the passenger compartment; Provided that this provision shall not apply to a rapid transport bus, a rapid transport bus-train or a rapid transport feeder bus or midibus.*

- (b) A, minibus, midibus or bus shall have at least one emergency exit for every 12 persons, on the right or left hand side or the rear thereof:*

*Provided that, a door fitted for the use of the driver of such minibus, midibus or bus which is accessible to passengers, may be deemed to be such emergency exit.*

- (c) A bus or the lower deck of a double deck bus, shall have an emergency exit-*
  - (i) on both sides in the floor; or*
  - (ii) on both sides towards the front or rear:*

*Provided that, in the case of a single deck bus an emergency exit may b fitted in the roof of such bus in place of the emergency exits required on both side.*

- (d) The upper deck of a double deck bus shall have emergency exits-*
  - (i) in the rear; or*
  - (ii) on both sides and in the roof, of such upper deck,*
  - (iii) and the number of emergency exits shall be evenly distributed throughout the vehicle; and*
- (e) An emergency exit shall have dimensions of at least 800 by 400 millimetres or 700 by 500 millimetres and shall be capable of being opened from the inside and outside and shall not open inwards.*
- (f) An emergency exit shall not be so positioned that the passengers have to pass through a goods compartment of a mini-bus or bus or via the stairs of a double*

*decker bus to reach such emergency exit.*

- (g) Escape hatches, knock-out windows or knock-out panels may be used as emergency exits and if a mini-bus or bus is operated for reward such hatches, windows or panels shall be marked with the words "emergency exit" and "nooduitgang" on the inside and outside in letters of at least 50 millimetres in height.*
  - (h) A door of the size and operating characteristics referred to in paragraph (e) may be used as an emergency exit.*
  - (i) No entrance for persons, other than the driver, shall be provided on the right hand side of the longitudinal centre-line of a mini-bus or bus operating for reward.*
- (2) In the case of a mini-bus or bus that has been converted from a goods vehicle, the requirements of paragraphs (a), (b), (c), (f), (g) and (h) of subregulation (1) shall be deemed to be satisfied if openings complying with the requirements of paragraph (e) of subregulation (1) are provided.*

*Provided that emergency exits fitted to any minibus, midibus or bus operating interms of an operating licence issued in accordance with the provisions of the NLTTA, and first registered on or after 1 July 2009, shall comply with the requirements of standard specification SANS 20107 "Uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction.*

- (3) Notwithstanding the requirements of subregulation (1) and (2) above, rapid transport buses and rapid transport bus-trains shall have at least the following number, size and position of doors:-*
- (a) rapid transport trunk bus – two doors on the right and one emergency exit on the left; rapid transport trunk bus-train – three doors on the right and two emergency exits on the left;*
  - (b) rapid transport complementary bus – one door on the left and two doors on the right;*
  - (c) rapid transport complementary bus-train – one door on the left and three doors on the right; and*
  - (e) doors on the right shall provide a clear opening of at least 1100 millimetres and doors on the left shall provide a clear opening of at least:*
    - (i) 650 millimetres in the case of a rapid transport trunk bus or rapid transport trunk bus-train, and*
    - (ii) 850 millimetres in the case of a rapid transport complementary bus or rapid transport complementary bus-train*
  - (f) the pitch of the various door configurations on the right shall be 6, 0 metres, and 3, 8 metres, and for any double doors 1, 4 metres (200 millimetre tolerance).*
- (4) The floor height above the ground at the doorways on the right-hand side of a rapid transport bus or a rapid transport bus-train shall be equal to or less than 940 millimetres (30 millimetre tolerance) or shall be less than 500 millimetres.*

No. R.1248

28 December 2009

NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO. 93 OF 1996)

**EXTENDING THE COMMENCEMENT DATE OF THE PROVISIO CLAUSE  
AFTER SUBREGULATION (2) OF REGULATION 252 OF THE  
NATIONAL ROAD TRAFFIC REGULATIONS, 2000**



I, Sibusiso Joel Ndebele, Minister of Transport, acting in terms of Section 75 read with regulation 252 of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, 1996 (Act No. 93 of 1996), hereby determine 01 July 2009 as the commencement date for the proviso clause after subregulation (2) of regulation 252 of the National Road Traffic Regulations, 2000.

**(Signed)**

**Sibusiso Joel Ndebele**

**MINISTER OF TRANSPORT**

***Entrances and exits to be fitted with doors***

**Reg 253.** *No person shall operate a minibus, midibus or bus on a public road, unless-*

- (a) *every entrance to or exit from the minibus, midibus or bus is fitted with a door or other effective barrier; and*
- (b) *such door or barrier is properly closed when the minibus midibus, or bus is in motion with persons thereon.*

***Stairs***

**Reg 254.** *The stairs to the upper deck of a double-deck bus shall be provided with a hand rail on each side as well as a partition or screen at each side of the stairs of sufficient strength to prevent any person from slipping off the side of any step.*

***Passageways***

**Reg 255.** (1) *No person shall operate on a public road -*

- (a) *a minibus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006 unless the passageway of such minibus as (sic) an unimpeded longitudinal passageway which is at least-*
  - (i) *300 millimetres wide from floor to seat level; and*
  - (ii) *350 millimetres wide above any armrests.(sic).*
- (2) *No. person shall operate on a public road a midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006, unless the passenger compartment of such midibus or bus has an unimpeded longitudinal passageway with a cross passageway, which passageways are at least-*

- (i) 300 millimetres wide from floor to seat level; and
- (ii) 350 millimetres wide above any armrests.

*Provided further that in the case of a rapid transport bus or rapid transport bus-train the width of the passageways shall be at least:-*

- (iii) 620 millimetres wide measured at any point for vehicles with a floor height of 940 millimetres (30 millimetre tolerance), and 450 millimetres wide measured at any point for vehicles with a floor height of less than 500 millimetres

### ***Seats***

**Reg 256.** (1) *No. person shall operate on a public road a minibus, midibus or bus operating in terms of an operating license issued in accordance with the provision of the NLTTA unless the driving seat of such minibus, midibus or bus is adjustable and has a partition immediately behind it and is so placed as to afford the driver ample space for controlling the minibus, midibus or bus.*

(2) *Subject to subregulation (3), no person shall operate on a public road a minibus first registered on or before 4 September 2006, operating in terms of an operating license issued in accordance with the provision of the NLTTA, unless a seat provided for a passenger in such minibus has-*

- (a) *a backrest of which the -*
  - (i) *top shall be at least 350 millimetres from seat level;*
  - (ii) *bottom shall be not more than 200 millimetres from seat level; the width, including the frame, shall be at least 340 millimetres, for every passenger for whom seating accommodation is provided on the seat;*
- (b) *a seat height from the floor or footrest of such seat at seat level of at least 250 millimetres, except where a seat is positioned over the wheel arch where no limit shall apply;*
- (c) *a seat depth from the front of the seat to the front of the backrest of at least 340 millimetres;*
- (d) *a seat width in accordance with regulation 233 (2);*
- (e) *in the case of a seat facing a partition or similar obstruction, a horizontal distance between the front of the backrest of such seat at seat level to such partition or obstruction of at least 570 millimetres;*
- (f) *in the case where seats face each other, a horizontal distance between the fronts of the backrests of such seats at seat level of at least 1 200 millimetres;*
- (g) *in the case where seats face in the same direction, a horizontal distance between the front of the backrest of any such seat, at seat level, and the back of the backrest of the seat in front, of at least 570 millimetres.*



- (3) *Where in subregulation (2) a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.*
- (4) *No seat in a bus shall face an entrance or have a side of such seat opposite an entrance, unless a rail or partition is provided between such seat and entrance: Provided that a rail may be fixed to the seat if the side of such seat faces an entrance.*
- (5) *Every seat in a minibus, midibus or bus shall be securely fixed to such minibus, midibus or bus.*
- (6) *Subject to subregulation (3) no person shall operate any bus, midibus, or minibus first registered after 4 September 2006, operating in terms of an operating licence issued in accordance with the NLTTA on a public road, unless a seat provided for a passenger in such minibus, midibus or bus has -*
- (a) *a backrest of which the -*
    - (i) *top shall be at least 600 millimetres from seat level;*
    - (ii) *the width, including the frame, shall be at least 400 millimetres at seat level, and the top may be tapered to a width of more than 250 millimetres; or if the seat design incorporates an integral headrest, top may be tapered to a width of 200 millimetres, for every passenger for whom seating accommodation is provided on the seat;*
  - (b) *a seat height from the floor or footrest of such seat to seat level of at least 400 millimetres, except where a seat is positioned over a wheelarch where no such limit shall apply ;*
  - (c) *a seat depth from the front of the seat to the front of the backrest of at least 400 millimetres ;*
  - (d) *a seat width in accordance with regulation 233 (2);*
  - (e) *in the case where a seat faces a partition or similar obstruction a horizontal distance between the front of the backrest of such seat at seat level to such partition or obstruction of at least 600 millimetres ;*  
*Provided that in the case of a rapid transport bus or rapid transport bus-train the pitch measured from one part of a seat to the same part of the seat in front at seat level shall be at least 730 millimetres;*
  - (f) *in the case where seats face each other , a horizontal distance between the fronts of the backrests of such seats at seat level of at least of at least 1 300 millimetres ; and*  
*Provided that in the case of a rapid transport bus or rapid transport bus-train it shall be at least 1 460 millimetres*
  - (g) *in the case where seats face in the same direction , a horizontal distance between the front of the backrest of any such seat, at seat level, and the back of the seat in front, of at least 600 millimetres;*  
*Provided that in the case of a rapid transport bus or rapid transport bus-train this shall be at least 730 millimetres;*

- (h) *seats and anchorages must meet the requirements of SANS 1429 "Strength of seats and their anchorages " or SANS 1564 " The strength of seats (and their anchorages ) of large passenger buses.*
- (7) *No fold-up or jockey seat, shall be permitted in any minibus or midibus first registered on or after 4 September 2006 and operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.*
- (8) *Not more than one front seat for a passenger shall be provided for in a minibus or midibus first registered on or after 4 September 2006 and operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.*
- (9) *Where, in subregulation (6), a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.*
- (10) *In the case of a rapid transport bus or a rapid transport bus-train the following additional requirements shall apply-*
  - (a) *seats that are forward or rearward-facing shall be arranged such that there shall be no more than four seats in a row and no more than two pairs of seats in a row, except that, the rear row may have more seats;*
  - (b) *seats shall be permitted in the turntable area of a rapid transport bus-train provided that the passengers are protected from the effects of relative movement of parts of the bus when the bus-train turns;*
  - (c) *seats which can be tipped up to provide more floor space are not permitted, except in cases of providing room for a wheelchair; and*
  - (d) *seats facing sideways are permitted.*

#### ***Goods carried in mini-bus or bus conveying persons for reward***

**Reg 257.** *No person shall carry goods in a mini-bus or bus conveying persons for reward unless such goods—*

- (a) *are placed in a suitable goods compartment or containers;*
- (b) *are so placed that it does not constitute a danger to such persons; and*
- (c) *does not obstruct any entrance, exit or passageway of such mini-bus or bus.*

#### ***Windows and windscreens***

**Reg 258.** (1) *A mini-bus or bus operating for reward—*

- (a) *shall have a continuous row of windows on the left and right hand side of the passenger compartment and such windows, other than the windows of entrance and exit doors and the first and the last side window, shall each have a frame, in the case of—*
  - (i) *a mini-bus, of not less than 345 millimetres by 450 millimetres; and*
  - (ii) *a bus of not less than 450 millimetres by 450 millimetres;*
- (b) *shall have an overall window area of not less than 25 per cent of the floor*

*area of the passenger compartment;*

- (c) *shall have windows which can be opened to the same extent so that the total area of the open spaces shall be not less than five per cent of the floor area of the passenger compartment, other than in the case of a bus with a system of forced ventilation induced by mechanical means, whether such bus is stationary or in motion; and*
- (d) *may have other windows in addition to those referred to in paragraphs (a), (b) and (c).*
- (2) *At least every alternate window in each side of a mini-bus or a bus operating for reward, other than a bus having a system of forced ventilation induced by mechanical means, whether such bus is stationary or in motion, shall be capable of being opened.*
- (3) *No window in a bus operating for reward shall be capable of being opened in such a manner that a person seated in a normal position is able to put his or her elbow out of the window.*
- (4) *Every window-pane, windscreen and transparent partition of a mini-bus or bus operating for reward shall be maintained in a sound, unbroken and clear condition.*

#### ***Fuel receptacles, etc***

**Reg 259.** (1) *A mini-bus or bus operating for reward—*

- (a) *shall have fuel tanks, fuel receptacles and fuel pipes which are free of leaks and which are not placed inside the body or steering cabin; and*
- (b) *shall have the filling orifice of a fuel tank placed outside the body or steering cabin.*
- (2) *No main fuel tank shall be placed close to the engine of a bus operating for reward.*

#### ***Fire extinguishers***

**Reg 260.** (1) *Every mini-bus operating for reward shall carry in a readily accessible position at least one fire extinguisher which shall be of—*

- (a) *the dry powder type with a capacity of at least one kilogram; or*
- (b) *the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram, and which shall be in good working order.*
- (2) *Every bus operating for reward shall carry in a readily accessible position at least one fire extinguisher which shall be of—*
- (a) *the dry powder type with a capacity of at least two and a half kilograms; or*
- (b) *the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram, and which shall be in good working order.*

### ***Rear-view mirrors***

**Reg 261.** *In addition to the rear-view mirror prescribed for motor vehicles in regulation 204, every bus operating for reward shall be fitted with a rear-view mirror which shall enable the driver of the bus, when he or she is in the driving position, to see a reflection of every entrance and exit of the bus.*

### ***Tilt angle***

**Reg 262.** (1) *No person shall operate a double-deck bus on a public road unless such bus is capable of being tilted sideways to an angle of at least 23 degrees in either direction from the upright position without overturning while—*

- (a) *every seat on the upper deck of the bus carries a mass of 68 kilograms;*
- (b) *an additional mass of 68 kilograms is placed on the upper deck of the bus to represent a conductor;*
- (c) *the goods compartment on the upper deck of the bus, if any, is loaded to capacity;*
- (d) *except for a mass of 68 kilograms on the driving seat, the lower deck of the bus is empty; and*
- (e) *the bus is ready for the road, except for an empty fuel tank.*

(1A) *No person shall operate a minibus, midibus or single deck bus on a public road after 4 September 2006, unless such minibus, midibus or single-deck bus is capable of being tilted sideways at an angle of at least 28 degrees in either direction from the upright position without overturning while each seat is loaded with a mass of 68 kilograms.*

(1B) *For the purposes of issuing a certification of roadworthiness in respect of a double-deck or single-deck bus, which includes a midibus, an examiner may demand the production of a manufacturer's certificate or other like certificate which certifies that such minibus, midibus or bus complies with the provisions of subregulation (1).*

(2) *For the purposes of issuing a certification of roadworthiness in respect of a double-deck bus, an examiner of vehicles may demand the production of a manufacturer's certificate or other like certificate which certifies that such bus complies with the provisions of subregulation (1).*

### ***Standing persons***

**Reg 263.** (1) *No person shall operate on a public road a bus in which a person is standing—*

- (a) *on any upper deck, steps, stairs or open platform;*
- (b) *in the cross passageway referred to in regulation 255; or*
- (c) *in any area of a bus first registered after 04 September 2006 with a ceiling height of less than one comma seven five metres except when entering or leaving such bus and of an operating licence in which a person is permitted to stand.*

- (2) *The maximum number of standing persons which may be carried in a bus shall be calculated in accordance with the formula—*

$$\frac{A - B}{C}$$

*in which formula—*

- (a) *“A” represents the total clear floor space in square metres of the bus;*
  - (b) *“B” represents the total clear floor space in square metres of the areas referred to in subregulation (1); and*
  - (c) *“C” represents the figure zero comma one-two-five being the clear floor space in square metres which shall be available for each standing person. Provided that in the case of a rapid transport bus or rapid transport bus-train this figure shall be zero comma one six*
- (3) *A bus carrying standing persons shall be equipped with sufficient hand straps, handrails or grab handles for all standing persons.*
- (4) *No person shall on a public road operate a minibus for reward in which a person is permitted to stand except if the provisions of subregulations (1), (2) and (3) which apply with the necessary changes, are complied with.*

#### ***Special provisions relating to school buses***

**Reg 264.** *Notwithstanding the provisions of regulations 232, 233, 252, and 256, in the case of a school bus registered prior to 1 April 1991—*

- (a) *the number of persons permitted on any seat shall be determined at the rate of 330 millimetres per person, measured at the widest part of such seat with the doors closed: Provided that the provisions of regulation 231 shall not apply;*
- (b) *a seat shall—*
  - (i) *have a backrest—*
    - (aa) *the top of which shall be at least 300 millimetres from seat level; and*
    - (bb) *the bottom of which shall be not more than 75 millimetres from seat level;*
  - (ii) *be of a height, from the floor or footrest of such seat to the seat level, of at least 300 millimetres and not more than 460 millimetres;*
  - (iii) *have a depth, from the front of the seat to the front of the backrest thereof, of at least 300 millimetres;*
  - (iv) *have a width in accordance with the provisions of paragraph (a);*
  - (v) *where such seat faces in the same direction as another seat, have a horizontal distance at seat level, between the front of the backrest of such seat and the back of the backrest of the seat in front of the first mentioned seat, of at least 530 millimetres;*
  - (vi) *where such seat faces a partition or similar obstruction, have a horizontal distance at seat level, between the front of the backrest of such seat and such partition or obstruction, of at least 530 millimetres; and*

- (vii) *where such seat faces another seat, have a horizontal distance at seat level, between the fronts of the backrests of such seats, of at least one comma zero six metres; and*
- (c) *for the purpose of determining the number of persons who may be carried on such bus, the mass of a person together with his or her personal effects shall be taken as 45 kilograms.*

#### ***Destination indicators***

- Reg 264A.** (1) *A bus conveying persons for reward on a fixed route, other than a school bus, may be fitted in the front with a destination indicator on which the destination of, or route to be followed by, such bus shall be clearly indicated.*
- (2) *The destination indicator shall be of an electronic type, or of a manual roller type, which can be scrolled up or down to indicate either the secondary or main destination.*
- (3) *An amber lamp shall illuminate the destination indicator during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres.*

## **RULES OF THE ROAD AND MATTERS RELATING THERETO**

### **Part II**

#### **Rules of the road**

##### ***Vehicle to be driven on left side of roadway***

- Reg 296.** (1) *Any person driving a vehicle on a public road shall do so by driving on the left side of the roadway and, where such roadway is of sufficient width, in such manner as not to encroach on that half of the roadway to his or her right: Provided that such encroachment shall be permissible—*
- (a) *where it can be done without obstructing or endangering other traffic or property which is or may be on such half and for a period and distance not longer than is necessary and prudent and provided that it is not prohibited by a road traffic sign; or*
  - (b) *in compliance with a direction of a traffic officer or a road traffic sign.*
- (2) *The provisions of subregulation (1) shall not apply in the case of a public road which is restricted to traffic moving thereon in one direction only.*

##### ***Dedicated public transport vehicle occupancy vehicle lanes***

- Reg 296A.** (1) *No. person shall drive a motor vehicle on a dedicated lane, other than the class of vehicles referred to by such sign, between the hours of 06h00 to 09h00 and 16h00 to 18h30 Monday to Friday, except weekends and public holidays. Provided that the driver of a vehicle, other than the driver of a vehicle of the class referred to by such sign, may only enter such dedicated lane, if-*

- (a) *he or she cannot enter or leave any premises adjacent to such dedicated lane;*
  - (b) *he or she cannot enter or leave any public road without encroaching onto such dedicated lane;*
  - (c) *he or she intend turning at the next intersection, on-ramp, off-ramp; and*
  - (d) *in compliance with a direction of a traffic officer or a road traffic sign;*
- (2) *The provision of subregulation (1) shall not apply in case of emergencies, to the driver of a fire-fighting vehicle, a fire-fighting response vehicle, an emergency medical response vehicle, a rescue vehicle or an ambulance, a vehicle which is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 76 of 1977) or a traffic officer who drives such vehicle in execution of his or her duties;*
- (3) *No person shall operate a motor vehicle on a rapid transport lane, other than a rapid transport bus and rapid transport bus-train which forms part of a bus rapid transport system. Provided that the driver of a vehicle may only enter such rapid transport lane, under circumstances mentioned in regulation (1) (a), (b), (c) and (d).*

#### ***Driving on divided public road***

- Reg 297.** (1) *Whenever any public road has been divided into two or more roadways by means of an intervening space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, no person shall drive a vehicle upon such public road except upon the left-hand roadway, unless directed or permitted by an appropriate road traffic sign or a traffic officer to use another roadway.*
- (2) *No person shall drive a vehicle on, over, across or within any dividing space, barrier or section referred to in subregulation (1), except through a constructed intersection: Provided that no person shall so drive through such constructed intersection where such driving is prohibited by an appropriate road traffic sign or by a traffic officer: Provided further that the provisions of this subregulation shall not apply to a traffic officer in the performance of his or her duties.*

#### ***Passing of vehicle***

- Reg 298.** (1) *Subject to the provisions of subregulation (2) and (4) and regulation 296, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again drive on the left side of the roadway until safely clear of the vehicle so passed:*
- Provided that, in the circumstances as aforesaid, passing on the left of such vehicle shall be permissible if the person driving the passing vehicle can do so with safety to himself or herself and other traffic or property which is or may be on such road and—*
- (a) *the vehicle being passed is turning to its right or the driver thereof has signalled his or her intention of turning to his or her right;*
  - (b) *such road is a public road in an urban area and—*

- (i) *is restricted to vehicles moving in one direction; and*
- (ii) *the roadway is of sufficient width for two or more lines of moving vehicles;*
- (c) *such road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;*
- (d) *the roadway of such road is restricted to vehicles moving in one direction and is divided into traffic lanes by appropriate road traffic signs; or*
- (e) *he or she is driving in compliance with the directions of a traffic officer or is driving in traffic which is under the general direction of such officer, and in accordance with such direction:*

*Provided further that in no event shall any passing referred to in paragraph (a), (b), (c) or (d) be done by driving on the shoulders of the roadway or on the verge of the public road concerned.*

- (2) *The driver of a vehicle shall not pass other traffic proceeding in the same direction on a public road when approaching—*
  - (a) *the summit of a rise;*
  - (b) *a curve; or*
  - (c) *any other place,*

*where his or her view is so restricted that any such passing could create a hazard in relation to other traffic which might approach from the opposite direction, unless—*

- (i) *he or she can do so without encroaching on the right-hand side of the roadway; or*
  - (ii) *the roadway of such road is restricted to vehicles moving in one direction.*
- (3) *The driver of a vehicle on a public road shall, except in the circumstances referred to in the first proviso to subregulation (1), upon becoming aware of other traffic proceeding in the same direction and wishing to pass his or her vehicle, cause his or her vehicle to travel as near to the left edge of the roadway as is possible, without endangering himself or herself or other traffic or property on the roadway, and shall not accelerate the speed of his or her vehicle until the other vehicle has passed.*
- (4) *When about to pass oncoming traffic, the driver of a vehicle on a public road shall ensure that the vehicle driven by him or her does not encroach on the roadway to his or her right in such manner as may obstruct or endanger such oncoming traffic.*
- (5) *The driver of a vehicle intending to pass a stationary bus on a public road shall do so with due care for the safety of persons who are approaching or leaving or may approach or leave such bus.*

#### ***Prohibition on driving on shoulder of public road, except in certain circumstances***

**Reg 298A.(1)** *Subject to subregulation (2) and regulation 298(1)(e), no person shall drive a motor vehicle on the shoulder of a public road.*

- (2) *Notwithstanding subregulation (1), the driver of a motor vehicle may, during the*



*period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designated for one lane of traffic in each direction—*

- (a) while such motor vehicle is being overtaken by another vehicle; and*
- b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road;*
- (c) if persons and vehicles upon a public road are clearly discernible at a distance of at least 150 metres.*

### ***Crossing or entering public road or traffic lane***

- Reg 299.** (1) *The driver of a vehicle shall not cross a public road unless the road is clear of moving traffic for a sufficient distance to allow him or her to cross the road without obstructing or endangering any such traffic.*
- (2) *The driver of a vehicle shall not enter a public road unless he or she can do so with safety to himself or herself and other traffic.*
- (3) *The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.*

### ***Driving signals***

- Reg 300.** *The driver of a vehicle on a public road who intends to stop such vehicle or suddenly reduce the speed thereof, or to turn such vehicle to the left or to the right, or to move such vehicle to the left or right on the roadway, shall give a conspicuous signal, in the manner prescribed in regulations 324 to 328, of his or her intention, visible to any person approaching him or her from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his or her intention.*

### ***Right of way at certain road junctions***

- Reg 301.** *The driver of a vehicle on a public road shall, when he or she intends entering any portion of a public road which constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within such junction, yield the right of way to all vehicular traffic approaching from his or her right within such junction, unless his or her entry into such junction is controlled by an instruction given by a traffic officer or a direction conveyed by a road traffic sign requiring him or her to act differently.*

### ***Procedure when turning***

- Reg 302.** (1) *The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to the provisions of regulation 301, before reaching the point at which he or she intends to turn, indicate, in the manner prescribed in these regulations, his or her intention to turn and shall steer his vehicle as near to the left side of the roadway on which he or she is travelling as circumstances may permit and shall make such turn with due care and merge into such traffic stream as may at the time be proceeding along, towards or into the public road into which he desires to turn.*
- (2) *The driver of a vehicle on a public road who desires to turn to the right shall, having due regard to the provisions of regulation 301, before reaching the point at*

*which he or she intends to turn, indicate in the manner prescribed in these regulations, his or her intention to turn and shall not effect such turning unless he or she can do so without obstructing or endangering other traffic and—*

- (a) if he or she is driving a vehicle on the roadway of a public road which roadway is intended for traffic in both directions—*
  - (i) he or she shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he or she is travelling; and*
  - (ii) where the turn is at an intersection, he or she shall not encroach on the right half of the roadway into or out of which he or she intends to turn, except in the intersection itself, but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by any appropriate road traffic sign; or*
- (b) if he or she is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in only one direction—*
  - (i) he or she shall steer such vehicle as near as circumstances permit to the right side of such roadway; and*
  - (ii) where the turn is at an intersection he or she shall not encroach on the right half of the roadway into which he or she intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by an appropriate road traffic sign: Provided that where such turn is to be made into a roadway intended for traffic in only one direction, he or she may encroach on the right half of that roadway.*

### ***Towing of vehicles***

**Reg 303.** *No person may operate any vehicle on a public road while towing or drawing another vehicle save in the manner prescribed in these regulations for the towing or drawing of any vehicle by another vehicle on a public road.*

### ***Stopping of vehicles***

**Reg 304.** *Except in order to avoid an accident, or in compliance with a road traffic sign or with a direction given by a traffic officer, or for any cause beyond the control of the driver, no person shall stop a vehicle on the roadway of a public road—*

- (a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;*
- (b) within any tunnel or subway or on any bridge or within six metres of any tunnel, subway or bridge;*
- (c) on, or within six metres from the beginning or end of, any part of such roadway where the normal width thereof has for any reason been constricted;*
- (d) in contravention of any road traffic sign;*
- (e) on the right-hand side of such roadway facing oncoming traffic;*

- (f) *alongside or opposite any other vehicle on such roadway where such roadway is less than nine metres wide;*
- (g) *within the railway reserve at a level crossing;*
- (h) *within nine metres of his or her approaching side of a pedestrian crossing demarcated by appropriate road traffic signs; or*
- (i) *in any other place where the stopping of a vehicle would or would be likely to constitute a danger or an obstruction to other traffic.*

### ***Parking of vehicles***

**Reg 305.** (1) *No person shall park a vehicle on a public road—*

- (a) *in contravention of any road traffic sign;*
  - (b) *in any place referred to in regulation 304;*
  - (c) *on the same side as a fire hydrant within an area bounded by the centre-line of the roadway and lines at right angles to such centre-line one and a half metres on either side of the hydrant, if such hydrant is clearly visible to and recognisable as such by drivers of moving vehicles, or if it is indicated by an appropriate road traffic sign;*
  - (d) *in any place where the vehicle would obscure any road traffic sign;*
  - (e) *in such manner as to encroach upon the sidewalk, if any; or*
  - (f) *in such manner as to obstruct any private or public vehicular entrance to such road.*
- (2) *The provisions of subregulation (1)(e) shall not apply to any vehicle, other than a motor vehicle, while it is being used in carrying on the business of street vendor, pedlar or hawker, unless it exceeds such maximum weight, height, length or mass as may be prescribed in these regulations.*
- (3) *No person shall park a vehicle on any portion of the roadway (excluding the shoulders) of a public road outside an urban area or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.*
- (4) *No person shall park a vehicle on the roadway of a public road within an urban area—*
- (a) *within nine metres of the side from which he or she approaches a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;*
  - (b) *within five metres of any intersection unless such parking is permitted by a road traffic sign;*
  - (c) *upon or over the actuating mechanism of a traffic signal;*
  - (d)
    - (i) *with the outside of any left-hand wheel thereof more than 450 millimetres within the roadway; or*
    - (ii) *where the public road concerned is restricted to vehicles moving in one direction and the vehicle is parked on the side of the roadway, with the outside of any right hand wheel thereof more than 450 millimetres within the roadway, unless such parking is permitted*

*by an appropriate road traffic sign; or*

- (e) which is less than five and a half metres wide unless the public road concerned is restricted to vehicles moving in one direction and such parking is permitted by appropriate road traffic signs.*
- (5) No person shall park a motor vehicle on a traffic island or in a pedestrian mall or pedestrian lane.*
- (6) Whenever a vehicle has been parked in contravention of any provision of the Act or any by-law made under the Act, or in contravention of or in disregard of the directions of any road traffic sign or notice board as prescribed in these regulations, such vehicle may be removed or caused to be removed and impounded by a traffic officer, and unless the vehicle has been so parked in the course of a theft thereof, the owner shall bear the costs of such removal and impoundment.*
- (7) No person other than a disabled person or a driver of a motor vehicle conveying disabled persons, which motor vehicle is issued with a sticker for conveying disabled persons shall park on a parking bay reserved for disabled persons.*

#### ***Certain vehicles may be stopped and parked at any place where necessary***

- Reg 306.** *(1) Notwithstanding the provisions of regulations 304 and 305, the driver of a fire-fighting vehicle, a fire-fighting response vehicle, an emergency medical response vehicle, a rescue vehicle or an ambulance who drives such vehicle in the execution of his or her duties, a traffic officer who drives a vehicle in the execution of his or her duties, a person who drives a vehicle while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977), or a person who drives a vehicle while it is used in connection with the construction or maintenance of a public road or the rendering of an essential public service, may stop or park the vehicle concerned at any place where it may be necessary to do so: Provided that the vehicle is stopped or parked in such a manner that it does not constitute an unnecessary danger or confusion to other road users.*
- (2) A vehicle stopped or parked in terms of subregulation (1) shall, while such vehicle is so stopped or parked, display the identification lamps prescribed in regulation 176*

#### ***Compulsory stops***

**Reg 307.** *The driver of a vehicle on a public road shall stop such vehicle—*

- (a) in compliance with any direction conveyed by a road traffic sign or given by a traffic officer in uniform; or*
- (b) at the request or on the signal of a person leading or driving any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich on such road.*

#### ***General duties of driver or passenger of vehicle on public road***

**Reg 308.** *(1) No person driving or having a vehicle on a public road shall—*

- (a) cause such vehicle to travel backwards unless it can be done in safety, or cause it to run backwards for a distance or time longer than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on such road; or*
- (b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of such other vehicle and the traffic on and the condition of the roadway, or more closely than is prescribed in these regulations;*

- (c) *permit any person, animal or object to occupy any position in or on such vehicle which may prevent the driver thereof from exercising complete control over the movements of the vehicle or signalling his or her intention of stopping, slowing down or changing direction;*
  - (d) *when driving such vehicle, permit any person to take hold of or interfere with the steering or operating mechanism of the vehicle;*
  - (e) *when driving such vehicle, occupy such position that he or she does not have complete control over the vehicle or does not have a full view of the roadway and the traffic ahead of such vehicle.*
  - (f) *allow such vehicle to remain unattended on such road without setting its brake or adopting such other method as will effectively prevent the vehicle from moving from the position in which it is left;*
  - (g) *if such vehicle is parked or is stationary at the side of such road, drive the vehicle from that position unless he or she is able to do so without interfering with moving traffic approaching from any direction and with safety to himself or herself and others;*
  - (h) *fail to give an immediate and absolute right of way to a vehicle sounding a device or bell or displaying an identification lamp in terms of section 58(3) or 60 or regulation 176;*
  - (i) *allow any portion of his or her body to protrude beyond such vehicle while it is in motion on such road except for the purpose of giving any hand signal which he or she is required or authorised to give in terms of these regulations or unless he or she is engaged in examining or testing or parking such vehicle;*
  - (j) *permit any person or animal to occupy the roof, any step or running board or any other place on top of a vehicle while such vehicle is in motion;*
  - (k) *cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or ran in an efficient manner;*
  - (l) *cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;*
  - (m) *negligently or wilfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or grease or other flammable or offensive matter, ashes or other refuse, of whatever nature, from such vehicle upon or alongside such road; or*
  - (n) *cause or allow the engine thereof to run while petrol or other flammable fuel is being delivered into the fuel tank of such vehicle, or cause or allow such engine to be started up before the delivery of the petrol or other flammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced.*
- (2) *No person, other than the driver, shall take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling such vehicle.*
  - (3) *No passenger in a vehicle on a public road shall permit any part of his or her body to protrude beyond such vehicle.*
  - (4) *No person shall enter or alight from any vehicle on a public road unless such vehicle is stationary and unless he or she can do so with safety to himself or herself and other users of the road.*
  - (5) *No person shall drive, pull or push a vehicle upon a sidewalk: Provided that the*

*provisions of this subregulation shall not apply to a perambulator, invalid chair, baby cart or child's play vehicle.*

***Prohibition on use of communication device while driving***

***Reg 308A.*** (1) *No person shall drive a vehicle on a public road—*

- (a) *while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;*
- (b) *while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.*

(2) *Deleted*

(3) *For the purposes of this regulation—*

- (a) *the word “headgear” includes for the purposes of this regulation a device which specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and*
- (b) *the phrases “cellular or mobile telephone or any other communication device” and “cellular or mobile telephone or other communication device”, excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.*

***Prohibition on use of television receivers and visual display units in motor vehicles***

***Reg 308B.*** (1) *No person may operate on a public road a motor vehicle that has a television receiver or visual display unit in or on the vehicle operated while the vehicle is moving, or is stationary but not parked, if any part or portion of the image on the screen:-*

- (a) *is visible to the driver from the normal driving position; or*
- (b) *is likely to distract the driver or other road users;*

(2) *The provisions of subregulation (1) do not apply to the driver if:*

- (a) *driving a bus and the visual display unit is, or displays, a destination sign or other bus sign;*
- (b) *the visual display unit is, or is part of, a driver's navigational or intelligent driving aid; or*
- (c) *driving a double deck bus having a TV monitor.*

***Duties relating to motor cycle or motor tricycle***

***Reg 309.*** (1) *No person shall drive a motor cycle or motor tricycle on a public road unless his*

*or her feet are resting on the front foot-rests suitable for the purpose and, where the design of such motor cycle or motor tricycle makes it possible to do so, he or she is seated astride on the saddle of such motor cycle or motor tricycle.*

- (2) No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity exceeding 50 cubic centimetres and unless such passenger is seated in a side-car or astride on a pillion attached to such cycle and, in such latter event, the feet of the passenger are resting on foot-rests suitable for that purpose.*
- (3) Subject to the provisions of subregulation (2), not more than two persons shall ride upon a motor cycle on a public road, excluding a person riding in a side-car attached to such motor cycle.*
- (4) Not more than two adult persons shall be carried in a side-car attached to a motor cycle on a public road.*
- (5) No person or animal or object shall be carried on a motor cycle or motor tricycle on a public road in front of the driver thereof: Provided that an object of a non-bulky nature may be so carried if securely attached to the motor cycle or motor tricycle or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his or her exercising complete control over such motor cycle or motor tricycle;*
- (6) (a) Persons, other than traffic officers in the performance of their duties, driving motor cycles on a public road, shall drive in single file except in the course of overtaking another motor cycle, and two or more persons driving motor cycles shall not overtake another vehicle at the same time: Provided that where a public road is divided into traffic lanes, each such lane shall, for the purposes of this paragraph, be regarded as a public road.*  
*(b) For the purposes of paragraph (a), a motor cycle shall include a motor tricycle*
- (7) No person driving a motor cycle or motor tricycle on a public road or seated on such motor cycle or motor tricycle shall take hold of any other vehicle in motion.*
- (8) Any person driving a motor cycle or motor tricycle on a public road shall do so with at least one hand on the handlebars of such motor cycle or motor tricycle.*
- (9) Any person driving a motor cycle or motor tricycle on a public road shall do so in such manner that all the wheels of such motor cycle or motor tricycle are in contact with the surface of the road at all times.*

#### ***Vehicle causing excessive noise***

**Reg 310.** *No person shall operate or permit to be operated on a public road a vehicle in such a manner as to cause any excessive noise which can be avoided by the exercise of reasonable care on his or her part.*

### ***Use of hooter***

**Reg 310A.** *No person shall on a public road use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of these regulations or on the grounds of safety.*

### ***Riding on pedal cycles***

- Reg 311.**
- (1) *No person shall ride a pedal cycle on a public road unless he or she is seated astride on the saddle of such pedal cycle.*
  - (2) *Persons riding pedal cycles on a public road shall ride in single file except in the course of overtaking another pedal cycle, and two or more persons riding pedal cycles shall not overtake another vehicle at the same time.*
  - (3) *No person riding or seated on a pedal cycle on a public road shall take hold of any other vehicle in motion.*
  - (4) *No person riding a pedal cycle on a public road shall deliberately cause such pedal cycle to swerve from side to side.*
  - (5) *No person riding a pedal cycle on a public road shall carry thereon any person, animal or object which obstructs his or her view or which prevents him or her from exercising complete control over the movements of such pedal cycle.*
  - (6) *A person riding a pedal cycle on a public road shall do so with at least one hand on the handle-bars of such pedal cycle.*
  - (7) *Whenever a portion of a public road has been set aside for use by persons riding pedal cycles, no person shall ride a pedal cycle on any other portion of such road.*
  - (8) *A person riding a pedal cycle on a public road or a portion of a public road set aside for use by persons riding pedal cycles, shall do so in such manner that all the wheels of such pedal cycle are in contact with the surface of the road at all times.*

### ***Device running on rails***

- Reg 312.**
- (1) *Whenever rails laid across any public road are used for the purposes of any locomotive or other device running on rails, whether such device is drawn or propelled, no person driving or in charge of such locomotive or device shall cause or allow such locomotive or device to cross such public road unless he or she has given sufficient warning to users of such roadway of the intention to drive, draw or propel the locomotive or device across such road.*
  - (2) *No person driving or in charge of any locomotive or device mentioned in subregulation (1), shall cause or allow it to be stopped on a public road in such a manner as to obstruct or hinder traffic on such road: Provided that the provisions of this subregulation shall not apply to a locomotive or device mentioned in subregulation (1) which is temporarily stopped on a public road—*
    - (a) *in compliance with an order or instruction, whether in writing or otherwise or a hand signal or any other signal in relation to the use of such locomotive or device;*
    - (b) *for the purpose of loading or off-loading goods or allowing persons to board or alight at any place; or*
    - (c) *for shunting purposes.*



### ***Animal on public road***

- Reg 313.** (1) *Subject to the provisions of subregulation (2), no person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a public road where that section is fenced or in any other manner closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a public road.*
- (2) *The provisions of subregulation (1) shall not apply—*
- (a) *to any animal which is being ridden or is being used to draw a vehicle along a public road; or*
- (b) *to any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.*
- (3) *In any prosecution for a contravention of subregulation (1), it shall, in the absence of evidence to the contrary, be presumed that any animal referred to in subregulation (1) was left or allowed to be on the section of the public road or place concerned by the owner of such animal, and a section of a public road shall be regarded as fenced or enclosed along both sides even though there is an opening providing access to such road in the fence or other enclosure.*
- (4) *No person shall drive any animal referred to in subregulation (1)—*
- (a) *along a public road during the period from sunset to sunrise, unless a person carrying a red light visible in clear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or*
- (b) *along a public road during any other period, unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.*
- (5) *A person in charge of an animal on a public road shall tend the animal in such a manner as not to constitute an obstruction or danger to other traffic.*
- (6) *A traffic officer may take charge of any animal referred to in subregulation (1) on a public road or take such steps in respect of the animal as determined by the MEC of the province concerned.*

### ***Animal-drawn vehicles***

- Reg 314.**(1) *No person shall operate an animal-drawn vehicle on a public road unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in letters not less than 25 millimetres high: Provided that nothing herein contained shall apply in respect of a vehicle used solely for the conveyance of persons otherwise than for hire or reward.*
- (2) *No person shall operate an animal-drawn vehicle on a public road unless the*

*vehicle and the harness and other equipment thereof are in an efficient and safe condition.*

- (3) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a public road by any person who is not competent whether by reason of his or her age or otherwise to drive and control such vehicle.*
- (4) The driver of an animal-drawn vehicle on a public road shall at all times give his or her undivided attention to the driving of the vehicle under his or her control, and if the vehicle is standing on a public road, the driver shall not cease to retain control over every animal which is still harnessed to the vehicle, unless some other person competent to do so takes charge of every such animal, or every such animal is so fastened that it cannot move from the place where it has been left.*
- (5) No person shall operate on a public road a vehicle drawn by a team of animals not controlled by reins, unless there is a person leading the team and exercising control over such team.*
- (6) The driver or other person in charge of a vehicle drawn by any animal shall not, on a public road outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than 150 metres calculated from the foremost animal of such first-mentioned vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.*

#### ***Pedestrian's right of way in pedestrian crossing***

- Reg 315.** *(1) Where a pedestrian crossing is situated in conjunction with a traffic signal, a pedestrian shall not enter such crossing except in accordance with the indications of such traffic signal as prescribed in these regulations.*
- (2) In circumstances not referred to in subregulation (1), the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a pedestrian crossing when the pedestrian is upon that half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.*
  - (3) No pedestrian shall suddenly enter a pedestrian crossing and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield as contemplated in subregulation (2).*
  - (4) Whenever any vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear shall not pass such stopped vehicle.*

#### ***Duties of pedestrians***

- Reg 316.***(1) Whenever a sidewalk or footpath abuts on the roadway of a public road, a pedestrian shall not walk on such roadway except for the purpose of crossing from one side of such roadway to the other or for some other sufficient reason.*
- (2) A pedestrian on a public road which has no sidewalk or footpath abutting on the roadway, shall walk as near as is practicable to the edge of the roadway on his or her right-hand side so as to face oncoming traffic on such roadway, except where the presence of pedestrians on the roadway is prohibited by a prescribed road*

*traffic sign.*

- (3) *No pedestrian shall cross a public road without satisfying himself or herself that the roadway is sufficiently free from oncoming traffic to permit him or her to cross the road in safety.*
- (4) *A pedestrian, when crossing a public road by means of a pedestrian crossing or in any other manner, shall not linger on such road but shall proceed with due despatch.*
- (5) *No pedestrian on a public road shall conduct himself or herself in such a manner as to or as is likely to constitute a source of danger to himself or herself or to other traffic which is or may be on such road.*
- (6) *A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.*

### ***Racing and sport on public roads***

**Reg 317.** (1) *For the purposes of this regulation the expression “race or sport” includes—*

- (a) *any race, speed trial, reliability trial, hill climbing competition or sports meeting; or*
  - (i) *which may constitute a source of danger to traffic; or*
  - (ii) *which may hamper, impede or disrupt the normal flow of traffic.*
- (2) *No person shall organize or take part in any race or sport on a public road, unless the prior written consent of the MEC of the province concerned has been obtained or, where the race or sport will take place wholly within the area of jurisdiction of a local authority, the prior written consent of such local authority has been obtained.*
- (3) *In granting consent in terms of subregulation (2), the MEC or the local authority concerned, as the case may be, may—*
  - (a) *in addition to any requirement prescribed in these regulations, impose such further conditions as he or she or it may deem expedient;*
  - (b) *exempt any person concerned with the race or sport for the duration thereof—*
    - (i) *from any provision of the Act regarding any speed limit or determine another speed limit for the road concerned;*
    - (ii) *from any other provision of the Act or from any by-law; or*
  - (c) *levy fees for defraying the expenses incurred by the Provincial Administration or local authority concerned in connection with the race or sport.*
- (4) *Any consent granted in terms of subregulation (2) may be withdrawn at any time.*
- (5) *A traffic officer responsible for the safety of the public in the area where the racing or sporting event is staged or a traffic officer at the scene of the event, may immediately withdraw the permission for the event or amend the conditions of the permit to ensure the safety of road users, if the staging or continuation of the event, in the traffic officer’s opinion, is causing or will cause any danger or undue obstructions for other road users or any of the participants in the event.*

### ***Convoys on public road***

**Reg 318.***(1) No person shall operate on a public road a motor vehicle forming part of a convoy of motor vehicles which are being delivered to a motor dealer or other person—*

- (a) between the hours of 18h00 on a Friday or, in the case where such Friday is a public holiday, the Thursday immediately preceding such Friday, and 06h00 on a Monday, or in the case where such Monday is a public holiday, the Tuesday immediately succeeding such Monday; or*
  - (b) between the hours of 18h00 on the day immediately preceding Christmas Day and 06h00 on the day immediately succeeding the Day of Goodwill, to the extent to which such hours do not already fall within a period contemplated in paragraph (a).*
- (2) In a prosecution for a contravention of subregulation (1), it shall, in the absence of evidence to the contrary, be presumed that the motor vehicle concerned was in the process of being delivered to a motor dealer or other person.*

### ***Hindering or obstructing traffic on public road***

**Reg 319.***(1) No person shall wilfully or unnecessarily prevent, hinder or interrupt the free and proper passage of traffic on a public road.*

- (2) Subject to the provisions of the Act or any other law, no person shall place or abandon or cause to be placed or abandoned on a public road any object that may endanger or cause damage to traffic on such road.*

### ***Vehicle left or abandoned on public road***

**Reg 320.** *(1) Any vehicle standing on a public road in a position or in circumstances which in the opinion of a traffic officer, is likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a Government facility by any such traffic officer or person or authority instructed by such officer to remove such vehicle and in the case where such a vehicle was carrying persons which is left stranded at the scene when the vehicle is removed to a safer place, the traffic officer concerned may arrange and contract with any other person to provide the necessary transport to such persons: Provided that such traffic officer or person or authority shall, in removing such vehicle, use such device or devices as may be necessary, having regard to the public safety.*

*(1A) The owner of a vehicle referred to in subregulation (1) shall be liable for all expenses incurred in the removal and storage of such vehicle and the arrangement and contracting of another vehicle to transport stranded persons.*

- (2) Any vehicle—*
- (a) parked in a place where—*
    - (i) the stopping of a vehicle is prohibited in terms of regulation 304; or*
    - (ii) a vehicle of a class to which such vehicle belongs may not be parked;*
  - (b) left for a continuous period of more than—*

- (i) *24 hours in the same place on a public road outside an urban area;*
  - (ii) *seven days in the same place on a public road within an urban area; or*
  - (iii) *seven days on the site of any testing station; or*
  - (iv) *21 days on the premises of any traffic authority.*
- (c) *found on a public road and to which—*
- (i) *no licence number is affixed or, in the opinion of a traffic officer, a false licence number is affixed; or*
  - (ii) *no other number or anything else is affixed which may, in the opinion of a traffic officer, serve to identify the owner,*  
*shall be deemed to have been abandoned by the owner and such vehicle may be removed by or on behalf of the authority having jurisdiction over the place or road concerned and such authority shall take all reasonable steps to trace the owner, and the owner shall, except in the case of a stolen vehicle, be liable to such authority for the expenses incurred—*
    - (aa) *in the removal of such vehicle;*
    - (bb) *in keeping the vehicle in custody for a period not exceeding four months; and*
    - (cc) *in connection with the endeavour to trace him or her,*  
*and such authority may, subject to the provisions of subregulation (3), retain possession of such vehicle until such expenses have been paid.*
- (3) *If—*
- (a) *such owner is traced by the authority referred to in subregulation (2) which owner fails to recover the vehicle concerned and pay the expenses referred to in that subregulation within 14 days after being requested to do so; or*
  - (b) *after a lapse of one month from the date of removal contemplated in subregulation (2), the owner cannot be traced,*  
*such vehicle or anything contained therein may be sold in the manner prescribed by any law governing the sale of movable property by such authority and, whenever possible, the authority which registered such vehicle shall be advised of such sale.*
- (4) *The proceeds of any sale referred to in subregulation (3) shall be applied firstly to the costs of the removal, custody and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle, and any balance shall be paid to the owner thereof upon his or her establishing his or her claim thereto: Provided that if no claim can be established within one year from the date of such sale, such balance shall be forfeited to the authority concerned.*
- (5) *If an authority referred to in subregulation (2) is unable to sell any vehicle as contemplated in subregulation (3), it may dispose of that vehicle in any manner it deems fit, and any moneys received as a result of such disposal shall be forfeited to such authority.*

- (6) *An authority referred to in subregulation (2) may delegate, either generally or specifically, any power conferred upon it in terms of that subregulation to any person in its employment.*
- (7) *The reasonable exercise by any person or authority of the powers conferred by this regulation shall not render such person or authority subject to any liability in respect of the loss or theft of or damage to any vehicle or part thereof or of anything therein or thereon.*
- (8) *Subject to the provisions of any other law, no person shall leave a vehicle in the same place on a public road for a continuous period of more than seven days.*

*Provided that any motor vehicle which has been impounded by a traffic authority and the owner or title holder having been traced as contemplated in subregulation 2 fails to collect the motor vehicle within 12 months, such vehicle may be sold to defray any costs incurred by the relevant authority.*

### ***Damage to public roads***

**Reg 321.** *No person shall on a public road:*

- (a) *cause any wheel of any vehicle to drag or spin upon the surface of the roadway, except in the case of an emergency;*
- (b) *make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway; or*
- (c) *use any vehicle or thing or move any vehicle or thing on the roadway in a manner causing or likely to cause damage thereto.*

### ***Trading on public roads***

**Reg 322.** *Except—*

- (a) *on or in premises zoned or demarcated for that purpose by a competent authority in terms of any law; or*
- (b) *in such circumstances and in accordance with such requirements as may be prescribed, or determined by by-law, no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods—*
  - (i) *on or alongside a public road inside an urban area, within 180 metres of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within five metres from any intersection thereon; or*
  - (ii) *on or alongside any public road outside an urban area:*

*Provided that where a provincial administration is responsible for the maintenance of a public road inside an urban area, the competent authority of such urban area shall not so zone or demarcate premises in such urban area situated alongside such a road, without the prior approval of the MEC concerned.*

### ***Special provisions relating to freeways***

**Reg 323.(1)** *No person shall operate on a freeway—*

- (a) *a vehicle drawn by an animal;*

- (b) *a pedal cycle;*
  - (c) *a motor cycle having an engine with a cylinder capacity not exceeding 50 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of motor vehicle in the Act;*
  - (d) *a motor tricycle or motor quadrucycle;*
  - (e) *a vehicle with a mass not exceeding 230 kilograms and specially designed, constructed or adapted for the use of a person suffering from a physical defect or disability; or*
  - (f) *a tractor.*
- (2) *No person shall—*
- (a) *be on a freeway on foot except—*
    - (i) *within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign;*
    - (ii) *for a cause beyond his or her control; or*
    - (iii) *in the case of any person performing service in the Citizen Force as contemplated in section 21 of the Defence Act, 1957 (Act No. 44 of 1957), between the junction of an offramp and the junction of an on-ramp on the left-hand side of the roadway, unless a prescribed road traffic sign forbids the presence of such person on such freeway or junction;*
  - (b) *leave or allow an animal to be on a freeway except in or on a motor vehicle or within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign, or leave an animal in a place from where it may stray onto a freeway;*
  - (c) *stop a vehicle on a freeway except—*
    - (i) *in compliance with a road traffic sign or a direction given by a traffic officer;*
    - (ii) *within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign;*
    - (iii) *for any cause beyond his or her control; or*
    - (iv) *in an area referred to in paragraph (a)(iii) for the purpose of allowing persons so performing service there to board or alight from such vehicle;*
  - (d) *give a hand signal when driving a motor vehicle on a freeway except for a cause beyond his or her control.*
- (3) *In a prosecution for a contravention of subregulation (2)(b), it shall, in the absence of evidence to the contrary, be presumed that an animal was left or allowed on the freeway or place concerned by the owner of such animal.*
- (4) *The provisions of—*
- (a) *subregulation (1)(f) shall not apply to a person who operates a tractor in connection with the construction or maintenance of a freeway;*
  - (b) *subregulation (2)(a) shall not apply to—*

- (i) *a traffic officer while he or she is engaged in the performance of his or her duties;*
- (ii) *a person while he or she is engaged in rescue or salvage work;*
- (iii) *a person while he or she is engaged in the construction or maintenance of a freeway or the rendering of an essential public service; or*
- (iv) *a person while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977); and*
- (c) *subregulation (2)(c) shall not apply to—*
  - (i) *the driver of—*
    - (aa) *an ambulance, fire-fighting vehicle or rescue vehicle; or*
    - (bb) *a breakdown vehicle while he or she is engaged in the salvaging of another motor vehicle;*
  - (ii) *a traffic officer who drives a vehicle in the performance of his or her duties;*
  - (iii) *a person who drives a vehicle while it is used in connection with the construction or maintenance of a freeway or the rendering of an essential public service; or*
  - (iv) *a person who drives a vehicle while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977.*
- (5) *Where the driver of a motor vehicle which is being driven in the right-hand traffic lane or in the traffic lane furthest to the right on a freeway (hereinafter referred to as the first vehicle) becomes aware that the driver of another motor vehicle (hereinafter referred to as the second vehicle) intends to overtake the first vehicle, the driver of the first vehicle shall steer that vehicle to a lane to the left of the one in which he or she is driving, without endangering himself or herself or other traffic or property on the freeway, and shall not accelerate the speed of his or her vehicle until the second vehicle has passed.*
- (6) *For the purposes of subregulation (5) the driver of the second vehicle may make the driver of the first vehicle aware that he or she intends to overtake the first vehicle by giving the driver thereof a visible signal by means of flashing the headlights of his or her vehicle.*

## **Part II**

### **Driving signals and signals for the control of traffic**

#### ***Left-turn hand signal***

**Reg 324.** *Subject to the provisions of regulations 323(2)(a) and 327, the driver of a vehicle on a public road who intends to turn to the left or move to the left shall, before reaching the point at which he or she intends to turn or move to the left, extend his or her right arm sideward from the shoulder with the forearm in a vertical and downward position and move his or her forearm in a circular anti-clockwise motion: Provided that in the case of a driver of a tractor, a two-wheel vehicle or an animal drawn vehicle, such driver may, in lieu of the*



*hand signal aforesaid, extend his or her left arm and hand sideward from the shoulder and fully horizontal to the road with the palm of the hand turned to the front.*

### ***Right-turn hand signal***

**Reg 325.** *Subject to the provisions of regulations 323(2)(d) and 327, the driver of a vehicle on a public road who intends to turn to the right or move to the right shall, before reaching the point at which he or she intends to turn or move to the right, extend his or her right arm and hand sideward from the shoulder and fully horizontal to the road with the palm of the hand turned to the front.*

### ***Use of direction indicators in lieu of hand signals***

- Reg 326.** (1) (a) *The driver of a vehicle which is fitted with direction indicators in terms of the provisions of regulations 193 to 199 shall signal his or her intention to turn or move to the left or right by operating the direction indicator on the left or right side, as the case may be, of the vehicle.*
- (b) *The driver of a vehicle who has put a direction indicator into operation to signal his or her intention to turn or move to the left or right shall, as soon as the need to signal has passed, cease to keep such indicator in operation.*
- (2) *The driver of a tractor or of a combination of motor vehicles of which the drawing vehicle is a tractor, may in lieu of giving the appropriate hand signal, signal his or her intention to turn to the left or to the right or move to the left or the right by extending a portable direction indicator which complies with the following requirements:*
- (a) *When in use, the indicator shall project at least 300 millimetres beyond the widest part of the vehicle or load thereon, whichever is the wider;*
- (b) *the portable direction indicator shall consist of a red fluorescent arrow of adequate rigidity, with dimensions as shown in Diagram A hereto, attached to a handle the length of which shall comply with the requirements of paragraph (a); and*
- (c) *a yellow retro-reflector complying with the definition of a retro-reflector shall be fitted to the front and back surfaces of the arrow as illustrated hereunder.*

### ***Signal to indicate intention to reduce speed***

**Reg 327.** *Subject to the provisions of regulation 323(2)(d), the driver of a vehicle on a public road who intends to stop or to reduce speed suddenly shall before doing so extend his or her right arm sideward from the shoulder with the forearm held in a vertical and upward position and the palm of the hand turned to the front: Provided that the provisions of this regulation shall not apply to the driver of a vehicle fitted with a stop lamp complying with the provisions of regulation 169.*

### ***Permissible hand signals***

**Reg 328.** *Subject to the provisions of regulation 323(2)(d), the driver of a vehicle may, in addition to the signals prescribed in the preceding regulations, give the following hand signals:*

- (a) If he or she intends to slow down, he or she may extend his or her right arm sideward from the shoulder with the palm of the hand turned downward and move his or her arm slowly up and down; and*
- (b) if he or she desires to indicate to following traffic that it may overtake his or her vehicle on the right, he or she may fully extend his or her right arm below the level of the shoulder with the palm of the hand turned forward and move it backward and forward from the shoulder.*

### ***Signals for use by traffic officer for control of traffic***

- Reg 329.** (1) *The signals which a traffic officer shall use for the control of traffic, are set out in Schedule 1: Provided that a traffic officer is not prohibited from giving any other signal he or she may deem appropriate in the exercise of his or her powers.*
- (2) *A traffic officer who has given a stop signal to a driver of a vehicle or a pedestrian on a public road, may lower the hand by which such signal was given or use it for giving other signals and any such driver or pedestrian shall not proceed until such officer signals to him or her to do so.*

## **Part III**

### **General**

#### ***Towing of vehicles***

**Reg 330.** *No person shall operate a vehicle on a public road towing another vehicle—*

- (a) if the length of the tow-rope, chain or tow-bar between the two vehicles exceeds three and a half metres;*
- (b) if the towed vehicle is connected to the towing vehicle in such a manner that both vehicles are not under control;*
- (c) unless the steering gear of the vehicle being towed is controlled by a person holding a code of driving licence authorising him or her to drive the class of such vehicle, if the towed vehicle is fitted with steering gear contemplated in regulation 200(1): Provided that the provisions of this paragraph shall not apply in the case where—*
  - (i) the steerable wheels of the towed vehicle are being carried clear of the ground; or*
  - (ii) the device connecting the towing vehicle to the towed vehicle is such that the steerable wheels of the towed vehicle are controlled by such device;*
- (d) if the brakes of the towed vehicle do not comply with the provisions of regulation 155, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or tow-bar;*
- (e) at a speed in excess of 30 kilometres per hour, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or a tow-bar;*

- (f) *if the towed vehicle is conveying persons at a speed in excess of 30 kilometres per hour, unless the towed vehicle is a semi-trailer; or*
- (g) *if the towing vehicle is a motor cycle, motor tricycle, motor quadrucycle or pedal cycle.*

## CHAPTER XIV

### REGISTERS AND RECORDS

#### **Sec 77. Registers or records to be kept**

- (1) The prescribed registers or records shall be kept by—
  - (a) a driving licence testing centre;
  - (b) a testing station;
  - (c) manufacturers, builders and importers;
  - (d) a registering authority;
  - (e) any clerk or registrar of a court convicting a person of an offence in terms of this Act;
  - (f) any provincial administration or local authority;
  - (g) the Director-General;
  - (h) a department of State; and
  - (i) any person determined by the Minister by notice in the *Gazette*.
- (2) The prescribed particulars shall be recorded in the prescribed manner in the registers and records contemplated in subsection (1).
- (3) Any institution or person referred to in subsection (1) shall in the prescribed manner and at the prescribed intervals furnish the Minister or any person or body designated by the Minister with the prescribed information recorded in a register or record of such institution or person, and the Minister shall from the information so furnished compile or cause to be compiled such register as he or she may deem fit.
- (4) The Minister may prescribe that any institution or person referred to in subsection (1) shall keep such additional registers or records as he or she may deem expedient.

#### **Sec 78. Copy of entry in register or record to be *prima facie* proof**

- (1) A document purporting to be an extract from, or a copy of, any register or record kept in terms of this Act and purporting to be certified as such, shall in any court and upon all occasions be admissible as evidence and shall be *prima facie* proof of the truth of the matters stated in such document without the production of the original register or record or any certificate, licence, other document, microfiche, microfilm or computerised record from or of which such extract or copy was made.
- (2) The information contained in a register or record kept for the purposes of this Act shall be furnished to—
  - (a) a traffic officer or inspector of licences who requires it for the carrying out of his or her duties;
  - (b) any person authorised thereto by the Minister or the MEC concerned to demand such furnishing;
  - (c) any department of State;
  - (d) a competent authority in a prescribed territory;
  - (e) a local authority; and
  - (f) an inspectorate appointed under this Act,

Provided that the consent of the Minister or any person authorised thereto by him or her shall be obtained before such information is furnished to an authority referred to in paragraph (d).

- (3) Any institution or person keeping a register or record in terms of section 77 shall at the request of any person confirm whether or not certain information corresponds to the information contained in such register or record, if that person on reasonable grounds requires confirmation of such information.
- (4) Any provincial administration keeping a register or record in terms of section 77 shall at the request of any person furnish the information referred to in subsection (3) to that person, if that person on reasonable grounds requires that such information be furnished to him or her.
- (5) Subject to the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Minister may for the purposes of this Act, determine—
  - (a) information that may be provided to any person; and
  - (b) the fees payable for the provision of such information.

#### **Sec 79. Cognisance may be taken of information contained in register or record**

The Minister, the MEC concerned, the Shareholders Committee or the chief executive officer may, in exercising a discretion or taking a decision in terms of this Act, take cognisance of the information contained in a register or record contemplated in section 77.

#### ***Matters relating to registers and records***

- Reg 331.**
- (1) *A registering authority shall retain records of all transactions executed by such registering authority as contemplated in section 77 of the Act.*
  - (2) *A testing station shall—*
    - (a) *keep record of—*
      - (i) *all applications in terms of regulation 139 made to such testing station;*
      - (ii) *all tests and examinations conducted at such testing station;*
      - (iii) *all certifications of roadworthiness issued by such testing station;*
    - (b) *summarise on a monthly basis, the results of all applications, examinations and testing conducted and provide copies of such summary to—*
      - (i) *the chief executive officer; and*
      - (ii) *the inspectorate of testing stations; and*
    - (c) *reconcile on a monthly basis, the number of tests conducted, the number of tests passed, the number of certifications of roadworthiness issued and the stock of such certifications in the possession of such testing station and provide such reconciliation to the MEC concerned.*
  - (3) *A driving licence testing centre shall—*
    - (a) *keep record, arranged monthly in alphabetical order according to the surnames of the applicants concerned—*
      - (i) *all applications in terms of regulation 103, 106 and 118 made to such testing centre, containing the applicant's name, identification number, applicable receipt number and code of licence applied for;*
      - (ii) *all tests and examinations conducted at such testing centre and the*

- results thereof; and*
- (iii) all licences and professional driving permits issued by such testing centre;*
- (iv) all certificates of registration issued to instructors; and*
- (b) summarise, on a monthly basis, the results of all applications, examinations and tests conducted and of licences, permits and registration certificates issued and provide copies of such summary to—*
  - (i) the chief executive officer; and*
  - (ii) the inspectorate of driving licence testing centres.*
- (4) The chief executive officer shall—*
  - (a) keep a register of—*
    - (i) authorised officers;*
    - (ii) driving licence testing centres;*
    - (iii) testing stations;*
    - (iv) operators;*
    - (v) manufacturers, builders and importers; and*
    - (vi) manufacturers of number plates.*
  - (b) retain on a register referred to in paragraph (a), such information contained on any form completed in terms of the Act, as he or she may deem necessary for the purpose of the enforcement of the provisions of the Act.*
- (5) Final disposition of the records contemplated in this regulation shall be in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).*
- (6) Subject to subregulation 5 records may be kept as hard copy, microfilm or hard copies converted into electronic format in such a way as to allow such records to be reconverted without changing their original contents.*
- (7) Any summary or reconciliation of any records that has to be submitted to the MEC in terms of this regulation, may be submitted in electronic format.*

## CHAPTER XV

### GENERAL PROVISIONS

**Sec 80.     Parking for disabled persons**

Any disabled person who has been exempted from the laws relating to parking in accordance with the laws of any province, and to whom proof of such exemption has been issued, shall be deemed to be so exempted from the laws applicable in the areas of jurisdiction of all local authorities in the Republic, but only to the extent to which that disabled person is exempted from the laws applicable in the area of jurisdiction of the local authority concerned.

**Sec 81.     Vehicle and load may be exempted from provisions of Act**

- (1) The Minister may, after the applicant has paid the fees or charges referred to in section 7 (3) and subject to such conditions as he or she may determine, authorise in writing, either generally or specifically, the operation on a public road of a vehicle which, due to such vehicle's original design cannot comply with this Act.
- (2) The MEC may, after the applicant has paid the fees or charges referred to in section 7 (3) and subject to such conditions as he or she may determine, authorise in writing, either generally or specifically, the conveyance in a safe manner on a public road of passengers or any load otherwise than in accordance with this Act.
- (3) An MEC shall determine the fees or charges payable for a vehicle or load that does not comply with this Act.

**Sec 82.     Inspections for ensuring that provisions of Act are given effect to**

- (1) The Minister may authorise any person to carry out any inspection which the Minister deems necessary in order to ensure that the provisions of this Act are being complied with.
- (2) If the Minister delegates the power conferred upon him or her by subsection (1) to the MEC concerned, that MEC may authorise any person to carry out the inspection concerned.
- (3) No person shall obstruct or hinder any person in the carrying out of any inspection contemplated in subsection (1).

*[Published in Government Gazette 34340, GNR.328 of 31 May 2011]*

**AUTHORISATION IN TERMS OF SECTION 82 OF NATIONAL ROAD TRAFFIC ACT, 1996  
(ACT NO 93 OF 1996) TO THE NATIONAL TASK TEAM ON MOTOR VEHICLE TESTING  
STATIONS TO CONDUCT INSPECTION TO ENSURE COMPLIANCE WITH THE PROVISION  
OF THE NATIONAL ROAD TRAFFIC ACT, 1996**

I, **S'busiso Joel Ndebele**, Minister of Transport, acting in terms of section 82 of the National Road Traffic Act, 1996, hereby authorise the **NATIONAL TASK TEAM ON MOTOR VEHICLE TESTING STATIONS** to conduct inspection at any Motor vehicle Testing Stations to ensure that the provisions of the National Road Traffic Act, 1996, (Act No. 93 of 1996) are given effect to.

**Sec 83.     Doubt regarding use or classification of vehicle**

If, for the purposes of this Act, doubt arises as to the use to which any vehicle is put or the classification of any vehicle, such matter shall be submitted to the chief executive officer for decision.

**Sec 84. Variation of prescribed form**

The Minister may, in any such circumstances as he or she may deem expedient, authorise a registering or other authority to use, in place of a form prescribed for a particular purpose, a form which varies from such prescribed form, and in respect of such authority such varied form shall be deemed to be the prescribed form for that purpose.

**Sec 85. Issue of document as proof of driving licence in special circumstances**

- (1) Notwithstanding anything to the contrary in this Act contained, the Director-General of Home Affairs or any person authorised thereto by him or her may, upon receipt of an application in the prescribed form and upon payment of such fee as that Director-General may determine, issue to any person who is the holder of a driving licence which is or was contained in an identity document, a document certifying that such person is the holder of a driving licence and that there is no objection against the issuing of a driving licence to such person in a prescribed territory, provided—
  - (a) the said identity document ceased to be of force and effect in respect of the applicant for the reason that he or she has ceased to be a South African citizen; or
  - (b) that Director-General or any person authorised to act on his or her behalf, satisfies himself or herself that the said identity document has been lost or, in so far as it relates to the driving licence, that it has been destroyed or defaced or the figures or particulars thereon have become illegible.
- (2) An application referred to in subsection (1), shall be made as prescribed, and the Director-General of Home Affairs or any person authorised to act on his or her behalf shall issue such document in the prescribed manner.

**Sec 86. Signature upon documents**

Any person who is unable to sign his or her name shall, whenever his or her signature is required upon any document in terms of this Act, impress in place thereof his or her left thumb print upon the space within which he or she would otherwise have been required to sign his or her name, and if his or her left thumb print is not available, he or she shall in place thereof press another of his or her fingerprints, and in such latter event the document so marked shall be endorsed by the officer in whose presence the print was made, identifying the finger used.

**Sec 87. Service of notices**

- (1) Whenever in terms of this Act any notice is authorised or required to be served upon or issued to any person, such notice shall either be served personally upon the person to whom it is addressed or be sent to him or her by registered post to his or her last known address: Provided that the address furnished by the holder of a driving licence at the time of his or her application for such licence or recorded against his or her name in a register of driving licences, or the address recorded against the registration of a vehicle in a register of motor vehicles as the address of the owner of such vehicle, shall serve as his or her domicile of summons and execution for all purposes arising from or for the purposes of this Act, for the service of notices, post or process on that person.



- (2) Service by registered post in terms of subsection (1) shall be deemed to have been effected on the tenth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice.
- (3) A certificate by the officer who issued the notice referred to in subsection (1), or by a person subordinate to such officer, stating the time, place and manner of issuing such notice, shall be *prima facie* proof that such notice was duly issued.

#### **Sec 88. State bound**

This Act shall bind the State and any person in the service of the State: Provided that the Minister may, by notice in the *Gazette*, exempt the State or any department thereof or any such person from any provision of this Act, subject to such conditions as the Minister may determine.

#### **Sec 89. Offences and penalties**

- (1) Any person who contravenes or fails to comply with any provision of this Act or with any direction, condition, demand, determination, requirement, term or request thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) read with section 3K (1) or (2), 42 (1) or (2), 44 (1), 45 (2), 46 (1), 49 or 65 (1), (2), (5) or (9) shall be liable to a fine or to imprisonment for a period not exceeding six years; and
- (3) Any person convicted of an offence in terms of subsection (1) read with section 3A (3), 17 (4), 17 (5), 18 (5), 59 (4), 61 (2), 66 (3) or 68 (1), (2), (3), (4) or (6) shall be liable to a fine or to imprisonment for a period not exceeding three years.
- (4) Any person convicted of an offence in terms of subsection (1) read with section 61 (1) shall be liable—
  - (a) in the case of the death of or serious injury to a person where it is proved that the person convicted has failed to comply with paragraph (a), (b), (c) or (f) of section 61 (1), to a fine or to imprisonment for a period not exceeding nine years;
  - (b) in the case of damage in respect of any property or animal of another person where it is proved that the person convicted has failed to comply with paragraph (a), (d) or (f) of section 61 (1), to a fine or to imprisonment for a period not exceeding three years; or
  - (c) where it is proved that he or she has failed to comply with paragraph (e) or (g) of section 61 (1), to a fine or to imprisonment for a period not exceeding one year.
- (5) Any person convicted of an offence in terms of subsection (1) read with section 63 (1) shall be liable—
  - (a) in the case where the court finds that the offence was committed by driving recklessly, to a fine or to imprisonment for a period not exceeding six years; or
  - (b) in the case where the court finds that the offence was committed by driving negligently, to a fine or to imprisonment for a period not exceeding three years.
- (6) Any person convicted of an offence in terms of subsection (1) read with any other provision of this Act shall be liable to a fine or to imprisonment for a period not exceeding one year.

- (7) Notwithstanding anything to the contrary in any law contained, a magistrate's court shall be competent to impose any penalty provided for in this Act.

### ***Offences and penalties***

***Not only to be used for listed regulations. For other regulations use section 89 as reference.***

**Reg 333.** Any person who contravenes or fails to comply with a provision of—

- (a) regulation 221 (Overall length of vehicle);
- (b) regulation 223 (Overall width of vehicle);
- (c) regulation 224 (Overall height of vehicle and load);
- (d) regulation 225 (Turning radius and wheelbase);
- (e) regulation 226 (Overhang of vehicle);
- (f) regulation 227 (Projections in case of vehicle other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle);
- (g) regulation 228 (Projections in case of motor cycle, motor tricycle, motor quadrucycle or pedal cycle);
- (h) regulation 229 (Warning in respect of projecting load);
- (i) regulation 232 (Mass of persons and luggage for determining mass of load);
- (j) regulation 233 (Number of persons that may be carried on motor vehicle in relation to seating capacity);
- (k) regulation 234 (Permissible maximum axle massload of a vehicle);
- (l) regulation 235 (Permissible maximum axle unit massload of a vehicle);
- (m) regulation 236 (Permissible maximum vehicle mass);
- (n) regulation 237 (Permissible maximum combination mass);
- (o) regulation 238 (Load on tyres);
- (p) regulation 239 (Gross vehicle mass, gross axle massload, gross axle unit massload, gross combination mass, power/ mass ratio and axle massload of driving axle/total mass ratio not to be exceeded);
- (q) regulation 240 (Massload carrying capacity of the road);
- (r) regulation 241 (Massload carrying capacity of bridges);
- (s) regulation 242 (Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres);
- (t) regulation 243 (Axle massload of vehicles fitted with tyres other than pneumatic tyres);
- (u) regulation 246 (Manner in which goods shall be carried); and
- (v) regulation 247 (Circumstances under which persons may be carried on goods vehicle), shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment.

**Sec 90. Deleted**

**Sec 91. Delegation by Minister and MEC**

- (1) The Minister may—
  - (a) delegate to any other person any power conferred upon him or her by this Act other than the power conferred by section 75; and
  - (b) authorise any other person to perform any duty assigned to the Minister by this Act,and may effect such delegation or grant such authorisation subject to such conditions as he or she may deem fit.
- (2) The MEC concerned may—
  - (a) delegate to any other person any power conferred upon him or her by or under this Act; and
  - (b) authorise any other person to perform any duty assigned to the MEC by or under this Act, and may effect such delegation or grant such authorisation subject to such conditions as he or she may deem fit.
- (3) Any delegation effected or authorisation granted under subsection (1) or (2) may at any time be withdrawn by the Minister or by the MEC concerned, as the case may be.

**Sec 92. Fees**

- (1) The fees payable in respect of any application or request made, or document issued, or any other matter relating to the registration and licensing system of motor vehicles shall be determined under the laws of the province concerned.
- (2) The fees payable in respect of any application or request made, or document issued, or any other matter referred to in this Act, other than the fees which relate to the registration and licensing system of motor vehicles, shall be prescribed.
- (3) The fees payable by driving licence testing centres to defray the costs incurred by the Corporation with respect to the issuance of driving licences, shall be prescribed.
- (4) The fees—
  - (a) referred to in subsection (1) shall be administered in accordance with the laws of the province concerned; and
  - (b) referred to in in subsection (2) and (3) shall be administered as prescribed.

**Sec 93. Repeal of laws, and savings**

- (1) Subject to subsection (2), the laws mentioned in the Schedule are hereby repealed to the extent indicated in third column thereof; and
- (2) Any proclamation, regulation, by-law, notice, order, prohibition, authorisation, appointment, permission, information or document made, issued, imposed, granted, furnished or given and any other action taken in terms of any provision of a law repealed by subsection (1) shall be deemed to have been made, issued, imposed, granted, furnished, given or taken in terms of the corresponding provision of this Act (if any).

(3) ..... (*Repealed*)

### **Sec 93A. Transitional provisions**

For the purposes of—

- (a) sections 3A to 3E, 5, 6, 9, 10, 15, 16, 21, 25, 27, 28A to 28C, 29, 38, 39, 40, 45, 46, 50, 51A and 51B, any reference to the ‘chief executive officer’ or the ‘inspectorate of driving licence testing centres’ or ‘the inspectorate of testing stations’ shall be regarded to be a reference to the ‘MEC concerned’;
- (b) section 3 (1) and (2), any reference to the ‘Shareholders Committee shall, in consultation with the relevant MEC’ shall be regarded to be a reference to the ‘MEC concerned’ and any reference to the ‘Shareholders Committee’ shall be regarded to be a reference to the ‘MEC concerned’;
- (c) section 59, any reference to the ‘Shareholder’s Committee’ shall be regarded to be a reference to the ‘MEC’s’;
- (d) sections 3L, 77 and 83, any reference to the ‘Shareholders Committee’ or the ‘chief executive officer’ shall be regarded to be a reference to the ‘Minister’;
- (e) section 51A, any reference to the ‘Shareholders Committee’ shall be regarded to be a reference to the ‘Minister’;
- (f) sections 52 to 53, any reference to the ‘Chief Executive Officer’ shall be regarded to be a reference to the ‘Director-General’,

and this interpretation shall apply from 1 August 2000 until a notice is published by the Minister in the *Gazette* indicating that the functionary in a section of the Act shall be regulated as stated in the relevant section.

**APPOINTMENT OF TRAFFIC OFFICERS BY THE CHIEF EXECUTIVE OFFICER OF THE ROAD TRAFFIC MANAGEMENT CORPORATION**

[Published in *Government Gazette* 34316, GNR.310 of 25 May 2011]

**APPOINTMENT OF TRAFFIC OFFICERS BY THE CHIEF EXECUTIVE OFFICER OF THE ROAD TRAFFIC MANAGEMENT CORPORATION.**

**I Sibusiso Joel Ndebele**, Minister of Transport, hereby give Notice, in terms of Section 93A of National Road Traffic Act, 1996 (Act No. 93 of 1996), that the functionary prescribed in section 3A (1) (a) of Act, 1996 (Act No. 93 of 1996), for the appointment of traffic officers to serve under the National Traffic Law Enforcement Unit, shall be regulated from the date of publication of this Notice, in accordance with provisions of that section.

### **Sec 93B. Transitional provision: General**

Any approval, appointment, grading, permission, authority, order, prohibition, information or document issued, made, given or granted and any other action taken under any provision of a repealed law, shall be regarded to have been issued, made, given, granted or taken under the corresponding provisions of this Act.

### **Sec 94. Short title and commencement**

- (1) This Act shall be called the National Road Traffic Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.
- (2) Different dates may be so fixed in respect of different provisions of this Act, and dates so fixed may differ in respect of different—
  - (a) persons or goods or categories of persons or goods transported by means of a motor vehicle;

- (b) kinds or classes of motor vehicles used in the transportation of persons or goods;
  - (c) persons or categories of persons; or
  - (d) areas in the Republic.
- (3) More than one of the elements referred to in paragraphs (a) to (d), inclusive, of subsection (2) may be combined for the purposes of that subsection.

***Vehicles owned by Department of Defence exempt***

**Reg 334.** *Any vehicle owned by the Department of Defence and which is not designed or adapted for the conveyance of goods or persons is exempt from the provisions of these regulations relating to the construction, equipment or loads on vehicles, other than the provisions of regulations 212, 234, 235, 236, 237, 240, 241 and 242.*

***Application for and issue of traffic register number and certificate***

- Reg 335.** (1) *An application for a traffic register number for the purpose of obtaining acceptable identification as contemplated in the definition of “acceptable identification”, shall be made to the appropriate registering authority on form ANR as shown in Schedule 2 and shall be accompanied by—*
- (a) *in the case of a body of persons, acceptable identification of the natural persons nominated as the representative, the proxy and the signee of the application and a form of proxy; or*
  - (b) *in the case of a natural person not permanently resident in the Republic—*
    - (i) *a temporary identity certificate, an unexpired passport or a temporary permit or other document of identity of a class recognised by the Minister of Home Affairs in terms of the legislation regulating the admission of persons to the Republic; and*
    - (ii) *two photographs of the applicant that comply with regulation 103(1).*
- (2) *The registering authority referred to in subregulation (1) shall—*
- (a) *in the case of a body of persons and if satisfied that the application is in order, allocate a traffic register number to the applicant and issue a traffic register number certificate on form RNC as shown in Schedule 2; or*
  - (b) *in the case of a natural person and if satisfied that the application is in order—*
    - (i) *complete the traffic register number certificate on form RNC as shown in Schedule 2;*
    - (ii) *ensure that the applicant signs the certificate;*
    - (iii) *affix one photograph to the certificate and one photograph to the carbon copy, or to the application form if form RNC was printed by the register of traffic register numbers;*
    - (iv) *affix one lamination strip to the certificate and another to the carbon copy, or to the application form, if applicable, to cover the photograph and personal particulars of the holder;*
    - (v) *issue the certificate; and*

- (vi) *retain the application form and, if not printed by the register of traffic register numbers, the carbon copy of the certificate for record purposes.*
- (3) *If any of the particulars submitted in the application referred to in subregulation (1) or contained in the traffic register number certificate change, the holder thereof shall, within 21 days after such change, notify the appropriate registering authority on form ANR as shown in Schedule 2 and the provisions of subregulation (2) shall apply mutatis mutandis.*
- (4) *If a person or body of persons who is the holder of a traffic register number certificate, becomes the holder of any other document referred to in the definition of "acceptable identification" he or she shall, within 21 days after becoming such holder, notify the appropriate registering authority referred to in subregulation (1) thereof on form ANR as shown in Schedule 2 and shall at the same time hand such document together with the traffic register number certificate to such registering authority.*
- (5) *The registering authority shall, if satisfied that the notification referred to in subregulation (4) is in order, cancel the traffic register number certificate and amend its records accordingly.*

#### ***Inspector of licences or traffic officer entitled to free use of certain facilities***

**Reg 335A.** *Where an inspector of licences or traffic officer in the performance of his or her duties makes use of any testing or mass measuring facility provided by a registering authority, no payment shall be demanded for such use.*

#### ***Officer to use prescribed forms***

**Reg 335B.** *An inspector of licences or a traffic officer who issues a receipt for the impoundment of a document in terms of section 3F (e), 3F (h), 3I (j) or 3I (n) of the Act, as the case may be, shall use form NRD as shown in Schedule 2.*

#### ***Proxy and representative***

- Reg 336.** (1) *A person carrying on a business or a body of persons, referred to in paragraph (a)(ii), (iii) or (iv) of the definition of "appropriate registering authority" in regulation 1, shall identify one proxy and one representative in respect of each branch of such business or body of persons.*
- (2) *For the purposes of section 332(11) of the Criminal Procedure Act, 1977, the proxy or representative, as the case may be, identified in terms of subregulation (1), is deemed to be a director as defined in section 332 (10) of that Act.*

#### ***Prohibition of use of certain lamps or lighting devices***

- Reg 337.** (1) *No person shall use a lamp or lighting device in such a manner that the visibility of such lamp or lighting device from a public road, endangers public safety.*
- (2) *This regulation does not apply to lamps and lighting devices which are used—*
- (a) *on a motor vehicle;*
  - (b) *in accordance with any law;*
  - (c) *by the State or any other statutory body, in the execution of its functions,*

*powers and duties; or*

(d) *under a written authorisation issued by the local authority concerned.*

- (3) *Notwithstanding the provisions of subregulation (1) a registering authority shall only issue a duplicate of a registration certificate in respect of a motor vehicle to the title holder of such motor vehicle, or to the proxy of representative of the title holder concerned if such title holder, proxy or representative apply in person for such registration certificate on form DRC as shown in Schedule 2.*
- (4) *The local authority concerned may authorise the use of a lamp or lighting device which is visible from a public road under such conditions and for such a period as determined by such local authority and such authorisation may be altered or revoked at any time by that local authority.*
- (5) *If the local authority concerned is satisfied that a lamp or lighting device is used in contravention of the provisions of this regulation, that local authority may by written notice direct the person so using such lamp or lighting device, to alter or remove that lamp or lighting device at his or her cost within the period determined by that local authority, which period shall not be less than 14 days.*
- (6) *If a direction in terms of subregulation (5) has not been complied with within the period referred to in that subregulation, the local authority concerned may remove or alter the lamp or lighting device concerned and recover the cost of such removal or alteration from the person using such lamp or lighting device.*
- (7) *For the purposes of this regulation a lamp or lighting device shall be deemed to be used by the person on whose property such lamp or lighting device has been erected.*

#### ***Duplicate of document or token***

**Reg 337A. (1)** *If—*

- (a) *a registering authority is satisfied that a certificate, licence or other document or token issued in terms of the Act by means of a computer under the control of the Minister; or*
- (b) *a registering authority or other authority is satisfied that a certificate, licence or other document or token, other than a document or token contemplated in paragraph (a), issued by it in terms of the Act,*

*has been lost, destroyed or defaced or that the figures or particulars thereon have become illegible, such authority shall, upon receipt of an application on form CDV as shown in Schedule 2 and upon payment of the fees determined by the MEC of the province concerned, issue a duplicate of such certificate, licence or other document or token to the person who, in the opinion of such authority, is entitled thereto, with either the word “DUPLICATE” written thereon or the issue number printed thereon: Provided that a duplicate of—*

- (i) *a licence disc shall not be issued, and where such disc has been lost, destroyed or defaced or the figures or particulars thereon have become illegible, the person to whom such licence disc was issued, shall—*
- (aa) *in the case of a motor vehicle licence, apply for the issue of such a licence; or*
- (bb) *in the case of a motor trade number, apply for the cancellation of the*

*motor trade number concerned and the issue of a new motor trade number;*

- (ii) a learner's licence which was issued in accordance with section 17(3) shall only be issued to the person to whom the original licence was issued.*
- (2) If, after the issue of a duplicate in terms of subregulation (1), the original certificate, licence or other document or token is found, the person to whom the duplicate was issued shall take all reasonable steps to obtain possession thereof and return it forthwith to the authority which issued the duplicate.*
- (3) Notwithstanding the provisions of subregulations (2) and (3) a registering authority shall only issue a registration certificate to the title holder, or the proxy or representative of a title holder if such title holder, proxy or representative apply in person for such certificate.*

***Manner of application for South African Police Service clearance of the motor vehicle***

- 337B.*
- (1) If a South African Police Service vehicle clearance for a motor vehicle is required in terms of the regulations, the motor vehicle shall be referred by means of form RPC to a designated South African Police Service vehicle clearance office for a clearance.*
  - (2) The title holder or owner of the motor vehicle referred to in sub-regulation (1) shall ensure that microdots are applied to such motor vehicle in accordance with the requirements of SANS 534-1, if not already fitted with microdots.*
  - (3) The motor vehicle referred to in sub-regulation (1) shall be presented to a designated South African Police Service vehicle clearance office for clearance and shall be accompanied by—*
    - (a) the acceptable identification of the title holder or owner and that of the presenter of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy; and*
    - (b) form RPC notification referred to in sub-regulation (1).*
  - (4) On receipt of a notification referred to in sub-regulation (1), the South African Police Service shall-*
    - (a) examine the motor vehicle by physically examining the chassis number and engine number or an electric motor number if fitted with an engine or electric motor;*
    - (b) confirm that the motor vehicle is fitted with microdots;*
    - (c) if not satisfied, refer the matter to the South African Police Service Vehicle Identification Section in whose area of jurisdiction the South African Police Service vehicle clearance office is located;*
    - (d) update the form RPC notification referred to in sub-regulation (1) and sub-regulation (3).*
  - (5) The title holder or owner of the motor vehicle referred to in sub-regulation (1) shall, after clearance of such motor vehicle, return the RPC notification referred to in sub-regulation (4) to the appropriate registering authority.*
  - (6) The appropriate registering authority-*



- (a) shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles accordingly; and
- (b) shall retain and file the form RPC notification referred to in sub-regulation (5).

***Storage of microdots information***

337C. Notwithstanding provisions contained in SANS 534-1, all the information relating to the application of microdots, including the manufacturer, supplier and installer of microdots shall be stored on the NaTIS system.

***Transitional provisions, repeal of regulations, and title and commencement***

***Transitional provisions: References to chief executive officer, Shareholders Committee and Corporation***

***For the purpose of interpretation of these regulations—***

- Reg 338.**
- (a) in regulation 1 in the definition of “approved”, the words “chief executive officer” mean the Minister;
  - (b) in regulation 27(5)(a)(iii), the words “chief executive officer” mean the Minister;
  - (c) in regulation 39(2)(d), the words “chief executive officer” mean the MEC;
  - (d) in regulation 40, the words “chief executive officer” mean the MEC;
  - (e) in regulation 41, the words “chief executive officer” mean the MEC;
  - (f) in regulation 42, the words “chief executive officer” mean the MEC;
  - (g) in regulation 44, the words “chief executive officer” mean the MEC;
  - (h) in regulation 46, the words “chief executive officer” mean the MEC;
  - (i) in regulation 47, the words “chief executive officer” mean the MEC;
  - (j) in regulation 49, the words “chief executive officer” mean the MEC;
  - (k) in regulation 50, the words “chief executive officer” mean the MEC;
  - (l) in regulation 51, the words “chief executive officer” mean the MEC;
  - (m) in regulation 62, the words “chief executive officer” mean the Minister;
  - (n) in regulation 108(1A) the word “Corporation” means the Department;
  - (nA) in regulations 114A to 114F, the words “chief executive officer” mean the MEC;
  - (o) in regulation 119(1A), the word “Corporation” means the Department;
  - (p) in regulation 123, the words “chief executive officer” mean the MEC;
  - (q) in regulation 267, the words “chief executive officer” mean the MEC;
  - (r) in regulation 269, the words “chief executive officer” mean the MEC;
  - (s) in regulation 271, the words “chief executive officer” mean the MEC;
  - (t) in regulation 280(3), the words “Shareholders Committee” mean the Minister;
  - (u) in regulation 331(2)(b)(i), the words “chief executive officer” mean the MEC concerned;

- (v) in regulation 331(3)(b)(i), the words “chief executive officer” mean the MEC concerned; and
- (w) in regulation 331(4), the words “chief executive officer” mean the MEC.

***Transitional provisions: References to sections of Act not yet in force***

- Reg 338A.** (1) For the purpose of interpretation of these regulations the words “sections 3I and 3G of the Act” in regulation 115(2)(a) of the Regulations, mean sections 11 and 9 of the Road Traffic Act, 1989 (Act No. 29 of 1989).
- (2) For the purpose of interpretation of these regulations the words “regulation 2” and “regulation 1B” in regulation 343E of the Regulations, mean “regulation 1E” and “regulation 1A” respectively of the Road Traffic Act, 1989 (Act No. 29 of 1989).

***Transitional provisions: Fees***

- Reg 339.** The fees determined by the MEC of each province before the date of commencement of the Act as being payable in respect of any application or request made, or document issued in terms of the Road Traffic Act, 1989 (Act No. 29 of 1989), or any other matter referred to in that Act, shall be payable in respect of an application or request made, or document issued in terms of, or other matter referred to in, the corresponding provisions of the Act.

***Transitional provisions: Training centres***

- Reg 340.** Training centres shall be deemed to be approved in terms of section 3L of the Act for a period of six months from the date of commencement of that section of the Act: Provided that this regulation shall not be interpreted to prevent action instituted before the commencement of that section of the Act to be continued against a training centre, or to prevent any other prosecution of the training centre, other than prosecution for not being duly approved in terms of the Act.

***Transitional provisions: Manufacturers of number plates***

- Reg 341.** Manufacturers of number plates are deemed to be registered in terms of section 5 of the Act until a date to be determined by the Minister by notice in the Gazette: Provided that this regulation shall not be interpreted to prevent action instituted before the commencement of that section of the Act to be continued against a manufacturer of number plates, or to prevent any other prosecution of the manufacturer, other than prosecution for not being duly registered in terms of the Act.

***Transitional provisions: Professional driving permits***

- Reg 342.** The holder of a valid category “G” or “P” professional driving permit who drives a motor vehicle carrying dangerous goods, the gross vehicle mass of which exceeds 3 500 kilograms, or a vehicle to which standard specification SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” or standard specification SABS 1518: “Transportation of dangerous goods – design requirements for road tankers” applies, shall, from the date of commencement of regulation 115 (1) (f), subject to the said permit being cancelled or suspended-
- (a) be deemed to hold a category “D” professional driving permit for the period for which his or her professional driving permit is valid; and

- (b) notwithstanding the provisions of regulation 117, the holder of a valid category "G" "P" professional driving permit shall not be disqualified from obtaining a category "D" professional driving permit by reason only of the fact that he or she is younger than 25 years of age.

***Transitional provisions: Instructors***

**Reg 343.** The holder of a valid certificate issued under the Road Traffic Act, 1989 (Act No. 29 of 1989), authorising him or her to act as instructor, shall, subject to cancellation or suspension of the certificate, be deemed to be the holder of a registration certificate as contemplated in regulation 114C for a period of one year calculated from the date of commencement of that regulation.

***Transitional provisions: Forms***

**Reg 343A.** A form prescribed in Schedule 2 to these regulations prior to 1 January 2005 or any form that is similar to the form prescribed by the regulation concerned, and serving a similar purpose to the form prescribed by the regulation concerned, is equivalent to the corresponding form prescribed in Schedule 2 to these regulations, and shall be deemed to be valid for a period of two years from the date of commencement of these regulations.

***Transitional provisions: Exemption from laws relating to parking***

**Reg 343B.** A valid exemption certificate issued under section 137 of the Road Traffic Act, 1989 (Act No. 29 of 1989), shall remain valid up and until a date determined in a provincial law that makes provision for such an exemption certificate, and shall from that date be dealt with in the manner prescribed in such provincial law.

***Transitional provisions: Validation of things done by local authorities***

**Reg 343C.** Any resolution and by-law made, and any establishment of ranks or stands, by a local authority in terms of the Road Traffic Act, 1989 (Act No. 29 of 1989) that would have been valid if the Act did not come into operation, is hereby validated up and until a date determined in any road traffic law that makes provision for such resolution, by-law or establishment of ranks or stands, and shall from that date be dealt with in the manner prescribed in such law.

***Transitional provisions: Category "D" operator card***

- Reg 343D.**
- (1) A valid category "G" operator card displayed on a motor vehicle to which regulations 273 to 283 applies as contemplated in regulation 274, shall from the date of commencement of regulations 273 to 283 be deemed to be a valid category "D" operator card for the period of its validity.
  - (2) Notwithstanding the date of commencement of regulations 273 to 283, a motor vehicle that did not have to display an operator card before the commencement of the said regulations, shall, after the said date of commencement, display a category "D" operator card within the month after the month during which the licence disc of the vehicle concerned lapsed.

***Transitional provision: Driving licences***

**Reg 343E.** (1) Any licence substituted in terms of section 19 of the Act from 1 March 1998 to 1 August 2003 by a person required in terms of regulation 2 of the Regulations

*to be registered and graded as a grade F examiner for driving licences, who has in terms of regulation 1B applied to be registered and graded as a grade F examiner for driving licences and—*

- (a) who was so registered and graded although his/her competency could not have been determined by reason of the lack of requirements; or*
- (b) who was not so registered and graded because his/her competency could not have been determined by reason of the lack of requirements, shall not be void for such reason only.*

***Transitional provisions: Category "P" operator card***

**343F.** *A motor vehicle that did not have to display an operator card before 1 July 2007, shall, after 1 July 2007, display a category "P" operator card within the month after the month during which the licence disc of the vehicle concerned lapsed.*

***Transitional provisions: General***

- Reg 344.** (1) *Any licence, certificate, permit, exemption or authorisation issued or granted or any other thing done under any provision of a regulation repealed by regulation 345 shall be deemed to have been issued, granted or done in terms of the corresponding provision of these regulations for the period for which and subject to the conditions under which it was issued, granted or done.*
- (2) *Any application made under a regulation repealed by regulation 345, which has not been disposed of at the date of commencement as contemplated in regulation 346, shall be deemed to be an application under the corresponding provisions of these regulations.*
- (3) *Any relevant provision of the Road Traffic Regulations made under the Road Traffic Act, 1989 (Act No. 29 of 1989), shall, notwithstanding the provisions of regulation 345, remain in force until such time as the corresponding provision of these regulations (if any) has been put in operation under regulation 346.*

***Repeal of regulations***

**Reg 345.** *Subject to regulations 338 to 344, the Road Traffic Regulations, 1990, published by Government Notice No. R. 910 of 26 April 1990, as amended by Government Notices Nos. R. 1312 of 13 June 1990, R. 1954 of 17 August 1990, R. 2066 of 31 August 1990, R. 2982 of 14 December 1990, R. 125 of 14 February 1991, R. 1059 of 4 June 1991, R. 2694 of 15 November 1991, R. 1695 of 15 June 1992, R. 2803 of 1 October 1992, R. 2895 of 8 October 1992, R. 3172 of 20 November 1992, R. 766 of 30 April 1993, R. 1214 of 1 July 1993, R. 1767 of 20 September 1993, R. 1878 of 18 October 1993, R. 2448 of 24 December 1993, R. 792 of 29 April 1994, R. 1048 of 3 June 1994, R. 1081 of 7 June 1994, R. 1447 of 26 August 1994, R. 1835 of 28 October 1994, R. 352 of 28 February 1995, R. 926 of 30 June 1995, R. 1036 of 14 July 1995, R. 1135 of 28 July 1995, R. 1930 of 15 December 1995, R. 228 of 16 February 1996, R. 832 of 17 May 1996, R. 1076 of 28 June 1996, R. 1448 of 26 August 1996, R. 2112 of 27 December 1996, R. 356 of 28 February 1997, R. 1159 of 5 September 1997, R. 1238 of 19 September 1997, R. 1747 of 31 December 1997, R. 276 of 23 February 1998, R. 342 of 3 March 1998, R. 870 of 30 June 1998, R. 1018 of 7 August 1998, R. 1587 of 4 December 1998, R. 419 of 9 April 1999, R. 566 of 30 April 1999, R. 1432 of 26 November 1999 and R. 1535 of 30 December 1999, are repealed.*

***Title and commencement***

- Reg 346.** (1) *These regulations are called the National Road Traffic Regulations, 2000, and come into operation on a date to be determined by the Minister by notice in the Gazette.*
- (2) *Different dates may be so fixed in respect of different provisions of these regulations, and dates so fixed may differ in respect of different—*
- (a) *persons or goods or categories of persons or goods transported by means of a motor vehicle;*
  - (b) *kinds or classes of motor vehicles used in the transportation of persons or goods;*
  - (c) *persons or categories of persons; or*
  - (d) *areas in the Republic.*
- (3) *More than one of the elements referred to in subregulation (2)(a) to (d) may be combined for the purposes of that subregulation.*

### SCHEDULE 3

#### AGREEMENT ENTERED INTO BY AND BETWEEN THE MEC RESPONSIBLE FOR ROAD TRAFFIC

as represented by \_\_\_\_\_ (Official)  
in the Province of \_\_\_\_\_  
and \_\_\_\_\_ (testing station proprietor),  
\_\_\_\_\_ (type of legal entity),  
Registration Number \_\_\_\_\_  
This Agreement is entered into on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ at  
\_\_\_\_\_ by the \_\_\_\_\_ (Province).

#### 1.0 Parties to the Agreement.

The parties to this Agreement are:

- 1.1 the \_\_\_\_\_ ("the Department"), acting for and on behalf of the \_\_\_\_\_ Provincial Government, represented herein by \_\_\_\_\_, Head of Department for the \_\_\_\_\_ Department of Transport; and
- 1.2 \_\_\_\_\_ (name of testing station proprietor), (type of legal entity), registered in terms of the (name \_\_\_\_\_ of \_\_\_\_\_ Act) under registration number ("Testing Station"), represented herein by (name of signatory), in his or her capacity as a (legal capacity) of \_\_\_\_\_ (name of legal entity).

#### 2.0 Statement of Purpose of Agreement between the Department and Testing Station.

- 2.1 The Department is responsible for the overall administration and management of road traffic matters, including but not limited to the registration and grading of testing stations within the Province.
- 2.2 The Department is responsible for ensuring that public safety is not compromised or jeopardised by the operation of unroadworthy vehicles on roads within the Province.
- 2.3 The Department is required to ensure that all vehicle testing stations comply with applicable national and provincial laws.
- 2.4 Section 37 of the National Road Traffic Act, 1996 specifies that no person may operate a testing station unless the testing station is registered and graded and that such Testing Station comply with this requirement.
- 2.5 Section 38 of the National Road Traffic Act, 1996 requires that any person desiring to operate a testing station must apply in the prescribed manner to the MEC for the registration of the testing station and such Testing Station must comply with this requirement.
- 2.6 Section 39 of the National Road Traffic Act, 1996 provides for the registration and grading of testing stations and that such Testing Station must comply with this requirement.
- 2.7 Section 40 of the National Road Traffic Act, 1996 provides for the MEC to suspend or cancel the registration of a testing station, where it no longer complies with the requirements of section 39, such Testing Station registration shall be suspended or cancelled in terms of this provision.
- 2.8 The MEC is responsible for developing criteria based on the estimated vehicle population and registered testing stations within a geographical service area to determine whether a testing station is necessary and the registration of a Testing Station will be based on this criteria.
- 2.9 The purpose of this Agreement is to formalise the relationship by and between the Department and the Testing Station and to establish the terms and conditions, including any restriction, in terms of which the Testing Station is registered and may be operated.

### 3.0 Definitions.

For the purpose of this Agreement, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

**“Agreement”** means this Agreement.

**“Applicant”** means a person who requires the examination and testing of a motor vehicle by Testing Station.

**“Change of ownership”** means any change in the ownership or structure of the legal entity which owns the Testing Station and includes any change occasioned by the sale, exchange, alienation, cession, hypothecation or disposal of Testing Station.

**“Constitution”** means the Constitution of Republic of South Africa Act, 1996 (Act 108 of 1996).

**“Department”** means the \_\_\_\_\_;

**“Examiner of vehicles”** means a person:

- (i) who has successfully completed the prescribed course for examiners of vehicles;
- (ii) who is registered in terms of applicable road traffic legislation as an examiner of vehicles;
- (iii) who is employed by the Testing Station as an examiner of vehicles;
- (iv) who does not have a criminal conviction in terms of Schedule 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) or any offence related to the issue of roadworthy certificates, roadworthiness certification or the testing of vehicles; and
- (v) whose registration as a vehicle examiner has not been suspended or canceled by a competent authority, except that in the case of a suspension, the MEC may, at its sole discretion, permit the vehicle examiner to be employed after the expiration of the suspension where the Testing Station has made a written request to the MEC, which has given written approval.

**“Face value documents”** means documents for the testing and certification of roadworthiness of motor vehicles, as prescribed in road traffic legislation.

**“Head of Department”** means the public servant, who is the accounting officer and head of the \_\_\_\_\_ as defined in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

**“\_\_\_\_\_ Road Traffic Act, \_\_\_\_\_”** means the Provincial Road Traffic Act, \_\_\_\_\_ (Act No. \_\_\_\_\_ of \_\_\_\_\_).

**“Management representative”** means an examiner of vehicles appointed in writing by the Testing Station Proprietor and who:

- (i) has the necessary authority for and responsibility to ensure that the levels of technical and managerial competence required for the successful evaluation of the Testing Station are maintained in terms of the relevant Schedules of the National Road Traffic Regulations;
- (ii) is responsible for the day-to-day management of the Testing Station and supervision of staff of the Testing Station; and
- (iii) and from a date to be determined by the Minister, has at least two years proven experience as an examiner of vehicles at a registered vehicle testing station.

**“MEC”** means the member of the Executive Council in the Province responsible for road traffic, road safety and public transport matters.

**“National Road Traffic Act, 1996”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), including any regulations thereunder.

**“NaTIS or eNaTIS”** means the National Traffic Information System as defined in the National Road Traffic Act, 1996.

**“Official”** means the Departmental staff member appointed to this position and who reports to the Head of Department or such other person as may be appointed by the Head of Department in terms of this Agreement.

**“Party”** means the parties to this Agreement.

**“Province”** means the \_\_\_\_\_ Province.

**“Road Traffic Act, 1989”** means the Road Traffic Act, 1989 (Act No. 29 of 1989), including any regulations thereunder.

**“Road traffic legislation”** means:

- (i) the Road Traffic Act, 1989;
- (ii) the National Road Traffic Act, 1996;
- (iii) the Provincial Road Traffic Act, \_\_\_\_\_; and
- (iv) any other relevant national and provincial legislation.

**“Roadworthy”** in relation to a vehicle means a vehicle which complies with the relevant provisions of the Act and is otherwise in a fit condition to be operated on a public road.

**“Roadworthy Certificate”** means, in relation to a motor vehicle, a certificate issued in terms of section 42 of the Act.

**“Roadworthy Test Sheet”** means a form completed in terms of Regulation 141 as shown in Schedule 2 by the examiner of vehicles at the Testing Station.

**“SABS”** means the South African Bureau of Standards.

**“Testing Station”** means \_\_\_\_\_ (name of testing station), owned by the testing station proprietor at \_\_\_\_\_ (physical address).

**“Testing Station Proprietor”** means a legal entity and in the event of the proprietor not being a natural person, for the purpose of any offence in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) or the Agreement, proprietor shall include any director, partner or member of such legal entity.

#### **4.0 Interpretation of Agreement.** In this Agreement, unless the context otherwise indicates:

- 4.1 All words and expressions referring to any one gender shall be capable of being construed as a reference to the other gender.
- 4.2 The words signifying the singular shall include the plural and *vice versa*.
- 4.3 A reference to a natural person shall be capable of being construed as a reference to a juristic person and *vice versa*.
- 4.4 Words and phrases defined in this Agreement shall bear the meaning assigned to them throughout this Agreement.
- 4.5 Words and phrases used in this Agreement which are defined or used in any statute which applies to the subject matter, professional person, goods or services provided for in this Agreement shall be construed in accordance with the applicable statute or regulations.
- 4.6 Headings of clauses are for convenience only and shall not aid in the interpretation or modification of clauses within the Agreement.
- 4.7 The parties are bound by applicable provisions of the Constitution and shall act in conformance with relevant sections of the Constitution and national and provincial legislation.
- 4.8 This Agreement shall be subject to and interpreted in terms of applicable provisions of the Constitution and in conformance with the Constitution, national and provincial legislation and the common law.

#### **5.0 Duration of Agreement.**

- 5.1 This Agreement shall commence on the \_\_\_\_ day of 20 \_\_\_\_ and shall remain in full force and effect until—



- 5.1.1 the testing station proprietor notifies the MEC that he or she no longer wishes to operate the testing station; or
- 5.1.2 the testing station's registration is suspended or cancelled.

## **6.0 Duties of testing station proprietor.**

- 6.1 A testing station proprietor shall comply with and fulfill all the duties of a testing station proprietor as prescribed in regulation 137.
- 6.2 The testing station proprietor shall provide a—
  - 6.2.1 copy of the title deed, offer to purchase or agreement of the premises on which the Testing Station is located, which is attached hereto as Annexure G;
  - 6.2.2 copy of the written resolution from the Municipal Council of the municipality in which the Testing Station is located, supporting the application of the Testing Station, which is attached hereto as Annexure H, provided that the Department shall identify the official empowered to issue such resolution and that the official does not unreasonably delay;
  - 6.2.3 copy of the initial and amended founding statement, partnership agreement, close corporation registration or company registration reflecting the sole proprietor, all partners, all members or all directors, respectively, of the Testing Station, which is attached hereto as Annexure I;
  - 6.2.4 written consent for the Department to obtain a current South African Police Services clearance, reflecting any criminal record and the details and nature of any offence or offences, for:
    - 6.2.4.1 the sole proprietor, all partners, all members or all directors, as is relevant;
    - 6.2.4.2 the Management Representative of the Testing Station; and
    - 6.2.4.3 all vehicle examiners employed by or otherwise contracted to the Testing Station, with the Testing Station to pay all costs for the South African Police Services clearance certificate;
  - 6.2.5 South African Revenue Service income tax number in the name of the testing station proprietor for the Testing Station, attached hereto as Annexure J;
  - 6.2.6 South African Revenue Service value added tax number in the name of the testing station proprietor for the Testing Station, which is attached hereto as Annexure K;
  - 6.2.7 municipal levy number in the name of the testing station proprietor for the Testing Station, which is attached hereto as Annexure L;
  - 6.2.8 current tax clearance certificate in the name of the testing station proprietor, issued no more than 30 (thirty) days prior to entering into this Agreement, from the South African Revenue Service, which is attached hereto as Annexure M, except that in the event of a delay by the South African Revenue Service in issuing the current tax clearance certificate the Testing Station shall provide written proof of its application for a current tax clearance certificate;
  - 6.2.9 certified copy of the South African identity documents of:
    - 6.2.9.1 the Testing Station Management Representative;
    - 6.2.9.2 the sole proprietor, all partners, all members or all directors, as is relevant; and
    - 6.2.9.3 any examiner of vehicles employed or otherwise contracted by Testing Station, which is attached hereto as Annexure O, with Testing Station acknowledging that it must provide updated certified copies of South African identity documents within 10 (ten) working days in the event of any change in information reflected in this section 6.2.9;
  - 6.2.10 statement identifying any:

- 6.2.10.1 prior entity providing the same or similar services in which the Testing Station proprietor have had an interest in the 10 (ten) year period prior to entering into this Agreement; and
- 6.2.10.2 prior activities of a same or similar nature to the Testing Station in which the Testing Station proprietor, have been engaged in the 10 (ten) year period prior to entering into this Agreement, which statement shall be attached hereto as Annexure S.

## **7.0 Copyright and Ownership of Documents and Materials.**

- 7.1 All Roadworthy Test Sheets and Roadworthy Certificates purchased from the Department by the Testing Station, including its employees, agent, in the fulfillment of the terms of this Agreement shall be and remain the sole property of the Department.
- 7.2 The Testing Station proprietor, including its employees, agent and subcontractors, shall, on oral or written request of the Department, submit any requested documents and materials to the Department within 24 (twenty-four) hours of such request.

## **8.0 MEC and Departmental Obligations under this Agreement.**

- 8.1 The MEC hereby acknowledges that he is responsible for receiving the application of the Testing Station proprietor and determining whether the Testing Station complies with registration requirements and, if it complies with registration requirements, how it should be graded in terms of Regulation 135 to the National Road Traffic Act, 1996.
- 8.2 The MEC or his or her designee shall review monthly reports submitted and advise the Testing Station if he has any queries and the time period within which the Testing Station must respond to a query.
- 8.3 The MEC or his designee may review any and all activities of the Testing Station to ensure compliance with national and provincial legislation and may instruct Departmental staff to conduct an evaluation of the Testing Station at any time.
- 8.4 The MEC or his designee may, in terms of Regulation 136 to the National Road Traffic Act, 1996:
  - 8.4.1 consider the suspension or cancellation of the registration of the Testing Station; and
  - 8.4.2 suspend or cancel the registration of the Testing Station where it has not complied with the National Road Traffic Act, 1996 and give written reasons for the suspension or cancellation in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).
- 8.5 In the event the MEC suspends or cancels the registration of the Testing Station in terms of section 8.4, the MEC shall terminate this Agreement with immediate effect.

## **9.0 Breach of Agreement.**

Each party shall be entitled to utilise any remedy at law in the event of a breach of this Agreement, provided that written notice, providing for an opportunity to rectify the breach within a reasonable period of time, must be timeously submitted by the aggrieved party to the defaulting party.

## **10.0 Termination of Agreement.**

This Agreement shall terminate in terms of clause 5.0.

## **11.0 Indemnity.**

- 11.1 The Testing Station proprietor, including any person acting for or on behalf of the Testing Station proprietor, shall exercise due care and diligence in the performance of its duties in terms of this Agreement and Testing Station shall be liable where it has failed to exercise such due care and diligence.

- 11.2 The Testing Station proprietor has no authority or right to bind the Department and the Testing Station proprietor, including any person acting for or on behalf of the Testing Station proprietor, shall be liable for any action where it seeks to bind the Department.

## **12.0 General.**

- 12.1 This Agreement replaces any previous written or verbal agreement or contracts entered into by the Department or the Testing Station.
- 12.2 This Agreement constitutes the entire contract between the parties and may only be altered or varied in writing.
- 12.3 No party may be bound by any express or implied term, representation, warranty, promise or the like not recorded herein or otherwise created by operation of law.
- 12.4 No alteration of, variation of or amendment to this Agreement shall be of any force and effect unless it is reduced to writing and signed by the parties.
- 12.5 No indulgence or leniency which either party may grant or show the other shall in any way prejudice the granting party or preclude the granting party from exercising any of its rights in the future.

## **13.0 *Domicilium Citandi et Executandi.***

- 13.1 Any notice in terms of this Agreement may be hand delivered to the physical addresses of the parties, in which event proof of acknowledgment shall be endorsed upon a copy of the notice together with the name of the recipient and date of receipt, or may be sent by registered post to the nominated postal addresses of the parties, in which event a proof of postage issued by the relevant postal authority will serve as proof.
- 13.2 The Testing Station chooses for the purpose of this Agreement its *domicilium citandi et executandi* as follows:

Street Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postal Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

- 13.3 The Department chooses for the purpose of this Agreement its *domicilium citandi et executandi* as follows:

Street Address:	_____	Department of Transport
Postal Address:	_____	Department of Transport
Telephone Number:	_____	
Fax Number:	_____	

#### 14.0 Costs

Each party shall bear its own costs in the negotiation, preparation and finalisation of this Agreement.

SIGNED AT \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

**AS WITNESSES:**

\_\_\_\_\_  
**DEPARTMENT OF TRANSPORT**

1. \_\_\_\_\_  
\_\_\_\_\_ (print name)

2. \_\_\_\_\_  
\_\_\_\_\_ (print name)

SIGNED AT \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

**AS WITNESSES:**

\_\_\_\_\_  
Testing station proprietor)

1. \_\_\_\_\_  
\_\_\_\_\_ (print name)

By \_\_\_\_\_  
\_\_\_\_\_ (print name of signatory),

\_\_\_\_\_ (title of signatory)

2. \_\_\_\_\_  
\_\_\_\_\_ (print name).

## SCHEDULE 4 MINIMUM REQUIREMENTS FOR REGISTRATION AND GRADING OF TESTING STATIONS

### CONTENTS

#### 1. SCOPE

Matters pertaining to the minimum physical facilities of a vehicle testing station, the personnel, control, testing requirements and operational requirements are prescribed herein.

The grades of vehicle testing stations to which these minimum requirements apply are—

- 1.1 Grade A – authorised and equipped to test and examine any motor vehicle.
- 1.2 Grade B – authorised and equipped to test buses, minibuses and goods vehicles with a gross vehicle mass not exceeding 3 500 kg GVM and any other motor vehicle with a tare not exceeding 3 500 kg:

Provided that an existing testing station may be graded as a—

- (a) Grade C – authorised and equipped to test all motor vehicles, a grade A testing station is authorised to test, excluding vehicles indicated on the registration certificate of the testing station; or
- (b) Grade D – authorised and equipped to test all motor vehicles a grade B testing station is authorised to test, excluding vehicles indicated on the registration certificate of the testing station,

If such testing station does not comply with all the requirements of this Schedule, the MEC may place such conditions on the registration certificate as he or she deems necessary and may change the grading of a testing station to a grade A or B, as applicable, if such testing station complies with all the requirements.

#### 2. DEFINITIONS

“**inspection pit**” means a pit with safe access for the examiner of vehicles that allows unimpeded longitudinal floor working space and has a motor vehicle entrance and exit;

“**play detector**” means a device that tests wear on components of the chassis;

#### 3. PHYSICAL REQUIREMENTS

- 3.1 A vehicle testing station must have the equipment and facilities indicated in the table below and must use such equipment to evaluate the roadworthiness of a motor vehicle.

	GRADE A	GRADE B
1. Brake roller tester	10 000 kg capacity	2 000 kg capacity
2. Examination pit	At least 18 metres, unless such station was registered before 1 February 2000, at least five metres	At least five metres
3. Area for checking rearview field of vision	√	√
4. Safe or strong room	√	√
5. Hydraulic jack or play detector	10 000 kg capacity	2 000 kg capacity
6. Wheel alignment equipment	10 000 kg capacity	2000 kg capacity
7. Kingpin and fifth wheel gauges	√	
8. Tyre tread depth gauge	√	√
9. Vehicle height gauge	√	√
10. Measuring tape	30 m	5 m
11. Crow-bar	√	√

12. Plumb line	√	√
13. Inspection lamp	√	√
14. Straight edge	√	√
15. Head lamp aim checking device/screen	√	√
16. Wheel mass meter	√	√
17. Suitable road test area	Turning area for 17.5 metre turning radius	Turning area for 13.1 metre turning radius
18. Vernier gage		√

Provided that a testing station registered prior to the implementation of this Schedule, shall comply with the requirements for a play detector after two year from the date of publication of this Schedule in the government *gazette*.

Provided further that a wheel mass meter shall be capable of being linked to a brake tester and to calculate the brake requirements and provide a printed brake report within a period of two years after the implementation of this Schedule.

#### **4. PERSONNEL REQUIREMENTS**

##### **4.1 MANAGEMENT REPRESENTATIVE**

The testing station proprietor shall appoint a management representative who shall be a qualified examiner of vehicles registered as such by the MEC in terms of Section 3 of the Road Traffic Act, 1989, (Act No. 29 of 1989) or section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and who has the necessary authority for and responsibility to ensure that the levels of technical and managerial competence required for the successful evaluation of the Testing Station are maintained in terms of the relevant Schedules of the National Road Traffic Regulations.

The management representative shall be responsible for the day-to-day management of the Testing Station and supervision of staff of the Testing Station and from a date to be determined by the Minister, has at least two years proven experience as an examiner of vehicles at a registered vehicle testing station.

The provision of item 4.1 will come into operation 12 months after the date of publication of this regulations in the government *gazette*.

##### **4.2 EXAMINER OF VEHICLES**

The testing station proprietor shall appoint at least one examiner of vehicles other than the management representative who shall be registered and graded in terms of section 3 of the Road Traffic Act, 1989 (Act No. 29 of 1989).

##### **4.3 NATIS OFFICER**

A person employed by the testing station proprietor shall be registered by the MEC as a NaTIS officer, and such person shall sign the NaTIS User Undertaking required to obtain NaTIS access.

#### **5. QUALITY SYSTEM REQUIREMENTS**

- 5.1 Testing stations shall keep all records as required by regulation 331 and shall submit monthly statements to the MEC who registered such testing station and the inspectorate of testing stations in the format as shown in the table below:

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ TO

RECONCILIATION PERIOD :

/ /

STATION NAME :

INFRASTRUCTURE NUMBER:

		1	2	3	4	5
		STOCK SERIAL NO. START	STOCK SERIAL NO. END	NO. ISSUED ON NaTIS	NO. ISSUED MANUALLY	TOTAL
1.	STOCK AT BEGINNING OF MONTH					
2.	ADDITIONAL STOCK RECEIVED					
3.	SUB TOTAL (1+2)					
4.	NO. OF CERTIFICATES ISSUED					
5.	NO. OF CANCELLED CERTIFICATES					
6.	NO. OF RE-ISSUES					
7.	TOTAL NO. OF CERTIFICATES USED (4+5+6)					
8.	STOCK AT END OF MONTH (3-7)					

CHECKED BY:

APPROVED BY:

DESIGNATION:

- 5.2 A testing station shall comply with the Quality Management System as contemplated in SANS 10216: Vehicle test station evaluation.

## 6. OPERATIONAL REQUIREMENTS

- 6.1 A management representative shall not examine more than five motor vehicles per day.
- 6.2 The testing station proprietor shall by 30 April every year submit a tax clearance certificate.
- 6.3 The testing station proprietor shall by, ensure that all equipment of the testing station that require calibration, is calibrated and such proof is kept on record at the testing stations and a summary of the calibration of equipment is kept in the format below.

SUMMARY OF CALIBRATION CERTIFICATES OF EQUIPMENT FOR TESTING STATION				
	EQUIPMENT	Serial number	Calibration date	Calibration Certificate number
1.	Brake roller tester			
2.	Wheel alignment measuring equipment			
3.	Kingpin and fifth wheel gauges			
4.	Axle mass meter			
5.	<b>Height gauge</b>			
6.	Tapes (5 & 30m)			
7.	Tyre tread depth gauge			
8.	Headlight aiming device			

#### 6.4 Time periods for calibration.

A station proprietor shall ensure that the applicable equipment is calibrated at the time intervals as shown in the table below:

	EQUIPMENT	TIME INTERVALS FOR CALIBRATION
1.	Brake roller tester	12 MONTHS
2.	Wheel alignment equipment	12 MONTHS
3.	Kingpin and fifth wheel gauges	12 MONTHS
4.	Noise meter	3 YEARS
5.	Axle mass meter	12 MONTHS
6.	<b>Height gauge</b>	12 MONTHS
7.	<i>Tapes (5 &amp; 30m)</i>	12 MONTHS
8.	<i>Tyre tread depth gauge</i>	12 MONTHS
9.	<i>Headlight aiming device</i>	2 YEARS



# **TCSP GUIDELINES**

## **PART 29**

### **PROCEDURES FOR THE EXECUTION OF WARRANTS OF ARREST ASSOCIATED WITH TRAFFIC OFFENCES AND THE REDIRECTING OF TRAFFIC FINES**

#### **PROSECUTION GUIDELINE FOR VEHICLE MASS MEASURING**

#### **PROSECUTING GUIDELINES FOR EVIDENTIARY BREATH TESTING MACHINES**

#### **PROSECUTING GUIDELINES for SPEED MEASURING EQUIPMENT (SME) and TRAFFIC LIGHT VIOLATION MONITORING EQUIPMENT (TLVME)**

**Final — Approved  
29 July 2005**

**Amendments to Part 29 of the  
National Prosecutors Manual.**

**PART 29**

**TRAFFIC PROSECUTIONS**

1. Guidelines issued by the Technical Committee for Standards and Procedures for Traffic Control and Traffic Control Equipment (TCSP) should be complied within all areas of jurisdiction. The guidelines relate to speed, drunken driving, overloading and red traffic signal prosecutions. It also addresses the involvement of private companies in assisting with law enforcement functions.
2. In the prosecution of speeding offences a DPP may decline to authorize the use of specific traffic law enforcement measuring equipment if in his or her opinion, its use is rendered problematic by the road or other conditions.
3. If there is no expert witness available to testify about a particular device and to deal with the challenges with regard to its operation, the DPP may suspend or cancel authorization to use such a device. The prosecutor should contact the manufacturer, supplier or distributor for information on expert witnesses.
4. A tolerance of 10 km/h must be allowed in all speeding cases before a prosecution is instituted.
5. The traffic authority must be instructed to inform traffic officers to make notes concerning additional details about what occurred during the incident on the back of their copy of the notice or other relevant documentation, to enable them to conclusively give evidence later.
6. Where an accused is not stopped and informed of the commission of an offence immediately, a section 341 notice must be posted to him or her no later than 30 calendar days after the offence was committed.

7. Where cameras are used for prosecution purposes and offenders are not immediately stopped after the commission of an offence, road traffic signs must be displayed in the general area of enforcement in question, to alert road users of possible camera prosecutions.
8. These directives should be brought to the attention of the local and provincial traffic authorities and municipal police services.
9.
  - a. In cases of driving while the blood alcohol concentration exceeds the statutory maximum in section 65(2) of the National Road Traffic Act, 1996 the use of equipment to measure the blood alcohol concentration to prove the alleged blood alcohol concentration, is permissible.
  - b. In cases of driving while the breath alcohol concentration exceeds the statutory maximum in section 65(5) of the National Road Traffic Act, 1996 the use of equipment to measure the breath alcohol concentration to prove the alleged \*breath alcohol concentration, is permissible.
10. In respect of prosecutions for overloading the following guidelines apply:
  - a. The following tolerances must be allowed before a prosecution for overloading offences may be instituted:
    - i. 5% on the permissible maximum axle and axle-unit mass loads, as referred to in regulations 234 and 235, and on the minimum steering axle mass loads as referred to in regulation 242 of the Road Traffic Regulations, 2000; and
    - ii. 2% on the permissible maximum vehicle and combination mass loads as referred to in regulations 236 and 237, and the maximum mass allowed on a group of axles in terms of regulation 241 (bridge formula) of the Road Traffic Regulations, 2000
  - b. Sections 45 to 51 of the National Road Traffic Act, 1996 provides for the prosecution of the operator of the vehicle, the driver thereof, or the agent or employee of the operator. An operator is the owner of a vehicle listed in regulation 265 of the Road Traffic Regulations, 2000.

The operator of a vehicle should also be prosecuted in the cases where the driver is arrested for an overload of a vehicle.
11. Representations may only be made in writing and the traffic authority or the prosecutor must respond to the representation in writing.
  - Section 341 by the traffic chief
  - Section 54 and 56 by the prosecutor

***TECHNICAL COMMITTEE FOR  
STANDARDS AND PROCEDURES FOR  
TRAFFIC CONTROL AND  
TRAFFIC CONTROL EQUIPMENT  
(TCSP)***

PROCEDURES FOR THE EXECUTION OF WARRANTS OF ARREST ASSOCIATED WITH  
TRAFFIC OFFENCES AND THE REDIRECTING OF TRAFFIC FINES

**COMPILED :**                      **NOVEMBER 2005**  
**INTERIM AMENDMENT:**      **01 AUGUST 2007**

**Prepared by:**  
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**PROCEDURES FOR THE EXECUTION OF WARRANTS OF ARREST  
ASSOCIATED WITH TRAFFIC OFFENCES AND REDIRECTING OF TRAFFIC FINES**

**SEE PARAGRAPH 7 FOR REDIRECTING OF TRAFFIC FINES**

**1. INTRODUCTION**

This Guideline is applicable to warrants of arrest stemming from traffic offences only, specifically excluding reckless or negligent driving or driving under the influence of intoxicating liquor or a drug having a narcotic effect and related offences which would be dealt with in accordance with standard procedures.

No arrests shall be executed without a warrant of arrest or a copy thereof. Upon request a copy of the warrant must be handed to the person to be arrested.

No more than one copy of a warrant of arrest may be made.

**2. PROCESS PRIOR TO EXECUTING OF THE WARRANT OF ARREST**

2.1. Subsequent to the Magistrate issuing a warrant of arrest, a courtesy letter **may** be sent to the offending person's address whether postal or otherwise, indicating at least the following -

- 2.1.1 the date of the offence
- 2.1.2 the court date
- 2.1.3 the court where the warrant was issued
- 2.1.4 the registration number of the vehicle involved
- 2.1.5 the date the warrant was authorized
- 2.1.6 the date the warrant was issued [if applicable]
- 2.1.7 where the person must report/pay
- 2.1.8 that a warrant of arrest has been issued and that contact should be made with the authorities immediately.

2.2 The Courtesy letter may be sent within seven days of the warrant being issued.

2.3 In terms of regulation 25(7)(e) of the Road Traffic Regulations 2000, pertaining to the National Road Traffic Act, 1996, a registering authority may refuse to issue a licence disc in respect of a motor vehicle, if a warrant of arrest has been issued against the licensed owner of that vehicle.

2.3.1 Note that in terms of the legislation the refusal to issue a license may only be implemented when the licensed owner is the party for whom the warrant is issued.

2.3.2 The registering authority may therefore implement a NaTIS block on motor vehicle licensing transactions relating to the licensed owner with the proviso of 2.3.1.

2.3.3 This shall only be allowed once a warrant of arrest has been issued by a Magistrate and if the information in paragraph 2.1.1 to 2.1.6 above has been supplied to the licensing authority.

- 2.3.4 The NaTIS block shall be removed without undue delay once the warrant of arrest has been finalized.

### **3. EXECUTING WARRANTS OF ARREST**

- 3.1 Warrants of arrest shall only be executed by duly appointed peace officers or Sheriffs of the Court in possession of valid appointments cards which shall be produced on request.
- 3.2 Warrants of arrest shall only be executed if the original warrant, or a copy thereof as per Section 39(2) of the Criminal Procedure Act [Act 51 of 1977], can be produced on demand, without unreasonable delay (see Rautenbach v Minister of Safety and Security 1996 (1) SACR 720 AD). A copy must be available to be handed to the person arrested if she /he so demands.
- 3.3 The copy of the warrant of arrest, as per Section 39(2) of the Criminal Procedure Act [Act 51 of 1977] shall be:
- 3.3.1 A reproduced copy of the original [Photocopy or facsimile].
- 3.3.2 A scanned copy electronically forwarded to a remote site and printed at the remote site.
- 3.3.3 A scanned copy, saved to a computer hard-drive or other electronic storage media, which is then printed at a remote site.
- 3.3.4 Any other copy that contains all the information of the warrant and has been digitally signed by a magistrate.

### **4. PROCESS AFTER EXECUTING THE WARRANT OF ARREST**

- 4.1 The arrested person shall be given the option of paying the fine to the clerk of the court or being transported to the nearest police station without undue delay and handed over to the South African Police Service forthwith.
- 4.2 The continued detention of the arrested person shall be in strict compliance with his or her statutory and common law rights.
- 4.3 Where the option is exercised, administrative arrangements for paying the fine shall be provided for by the authorities executing the warrant of arrest.
- 4.4 All payments to be received by the clerk of the court.

### **5. SETTING UP ROADBLOCKS FOR THE PURPOSE OF EXECUTING WARRANTS OF ARREST IN ACCORDANCE WITH THESE GUIDELINES**

- 5.1 Roadblocks shall be set up in a safe and efficient manner.

- 5.2 Provision shall be made to minimize delay to road traffic.
- 5.3 All necessary administrative support shall be provided at the roadblock by the authorities responsible for the roadblock.

## **6. GUIDELINES FOR SERVING OF SUMMONSES AT ROADBLOCKS**

Summonses may be served at roadblocks on the following conditions:

- 6.1 It may only be served on the person mentioned in the summons as referred to in Section 54 (2)(a) Act 51 of 1977;
- 6.2 The summons must be issued by the Clerk of the Court appointed in terms of the law, including an Assistant Clerk of the Court appointed in terms of Section 13, Act 32 of 1994;
- 6.3 Summonses may only be issued by the Clerk of the Court appointed as stated in 6.2 above for that specific district;
- 6.4 The summons must be signed and stamped by the Clerk of the Court referred to in paragraphs 6.2 and 6.3 mentioned above;
- 6.5 The recipient of the summons need not sign for the summons;
- 6.6 Should the person named in the summons refuse to receive the summons, the summons can be placed on or in the vehicle such person is travelling in. Full particulars of the service must be noted on the return of service;
- 6.7 The service of summonses can be done by members of the SAPS, traffic officers and all agents legally appointed in terms of Section 15(2)(b) of the Magistrates Court Act 32 of 1944.

## **7. REDIRECTING OF TRAFFIC FINES (Added June 2007)**

- 7.1 In the case where the owner of a motor vehicle is charged on a section 341 notice, in terms of the Criminal Procedure Act, 1977, for an offence where the driver is not known, and the presumption in section 73 of the National Road Traffic Act, 1996 is used to charge the owner for the offence, and such owner wishes to redirect the notice to the actual offender, the following procedure must be followed:
- 7.1.1 The owner referred to in paragraph 7.1 must make an affidavit or affirmation containing the:
- Full names;
  - ID/Passport Number;
  - Physical residential address;
  - Postal address;
  - Copy of or extract out of the driving licence;

- Copy of a rental or leasing agreement, if applicable, of the person who has allegedly committed the offence, and submit it to the issuing authority that issued the notice.
- 7.1.2 The owner must request the redirection within 30 days after the first section 341 notice was received and must notify the driver that the notice will be redirected to him.
- 7.2 Duties of the issuing authority on receiving a redirection declaration in terms of a section 341 notice issued:
  - 7.2.1 The authority must post the first notice to the owner of the motor vehicle as instructed in terms of the Prosecution guideline for speed and red traffic light violation monitoring equipment.
  - 7.2.2 The notice must have a 30 day validity period in terms of section 341 of the Criminal Procedure Act, 1977.
  - 7.2.3 A further period of 14 days must be allowed for possible late payments before a second notice or a section 54 summons may be issued.
  - 7.2.4 The authority must, within 7 days supply the owner referred to in paragraph 7.1 with a written receipt that the declaration with the redirection request has been received.
  - 7.2.5 If the owner does not receive the written receipt referred to in paragraph 7.2 4, he must resubmit the redirection declaration.
  - 7.2.6 A new notice to the actual offender whose information is contained in the affidavit or affirmation must be posted by the authority within 14 days of receiving such affidavit or affirmation and must state that it is a redirected notice.
  - 7.2.7 The provisions of paragraph 6.1.4 and 6.1.8 of the Prosecution guideline for speed measurement and traffic light violation monitoring equipment shall not apply to redirected notices and must be stated on the notice.
- 7.3 A section 54 summons can not be redirected and a person who has received such a summons has to approach the public prosecutor at the magistrate's court indicated on the summons to withdraw the summons and reissue a summons to the actual offender as indicated by the owner.
- 7.4 Changing the information or name of a proxy of a body of persons will not change the information for existing notices or summonses that have not been finalised.

**(Form for affidavit or affirmation to be compiled and added)**



***TECHNICAL COMMITTEE FOR  
STANDARDS AND PROCEDURES FOR  
TRAFFIC CONTROL AND  
TRAFFIC CONTROL EQUIPMENT  
(TCSP)***

**PROSECUTION GUIDELINE FOR VEHICLE  
MASS MEASURING**

**PUBLISHED:        NOVEMBER 2005  
AMENDED:         AUGUST 2007**

**Prepared by:  
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**PROPOSED FINES:**

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## **PROSECUTING GUIDELINES FOR VEHICLE MASS MEASURING**

### **1. INTRODUCTION:**

- 1.1 The provisions in this document are guidelines only and non-compliance does not exclude prosecution. The decision whether or not to prosecute, remains in the discretion of the prosecutor, who will be guided by the degree and nature of non-compliance. Law enforcement officers must however assume that prosecution will only be proceeded with if these guidelines have been complied with.
- 1.2 Sections 49 to 51, 70 and 71, and 89 of the National Road Traffic Act (NRTA) no. 93 of 1996, and Regulations 234 to 248 are applicable to overloading cases.
- 1.3 Offenders must be charged with contravening Section 89 read with Reg 333 and Regulations 234 to 237 read with the relevant regulation pertaining to the overload.
- 1.4 The prosecution will rely on the presumptions in the NRTA. Care must therefor be taken by prosecutors not to present unnecessary evidence on issues which are not clearly in dispute, e.g. by handing in calibration certificates, etc.

### **2. GENERAL:**

- 2.1 Operators of overloaded vehicles should also be prosecuted for the overload in terms of section 49 if the overload exceeds the maximum permissible admission of guilt.
- 2.2 Operators must be prosecuted for contravening section 49(g) of the NRTA as the main charge and contravening section 49(c) as the alternative charge.
- 2.3 Owners of buses must also be prosecuted if the overload exceeds the maximum permissible admission of guilt. Operator registration is required for minibuses, midibuses and buses as from July 2007 after the month in which their licence discs expire
- 2.4 Correction of the load of buses is required, if the limits in paragraph 2.5 and 2.6 below are exceeded.

- 2.5 Offences where axles and axle units of vehicles are overloaded or the bridge formula is exceeded, must be treated in the same manner as offences where the vehicle or combination is overloaded. They are *not* less serious offences.
- 2.6 Prosecution is instituted if the overload on the permissible maximum vehicle and combination mass is more than 2% in excess of the permissible mass. If the overload is 2% or less, no adjustment of the load is required before the vehicle may proceed with its journey. No tolerance is allowed for abnormal load vehicles.
- 2.7 Prosecution is instituted if the overload on any axle or axle unit is more than 5% in excess of the permissible mass. If the overload is 5% or less, no adjustment of the load is required before the vehicle may proceed with its journey. No tolerance is allowed for abnormal load vehicles.
- 2.8 An offender must be charged for all overload contraventions on a vehicle, e.g. overloading of an axle, under loading of the steering axle and overloading on the vehicle or combination mass.
- 2.9 A copy of -
- a valid verification certificate for the mass measuring bridge in terms of SANS 10343;
  - the type approval certificate issued in terms of SANS 1838;
  - the operator's certificate of competence;
  - the calibration certificate of the measuring tape
  - shall be available on site at all times.
- 2.10 A faxed copy of an abnormal load permit is not acceptable and only original signed and dated abnormal load permits are acceptable.
- 2.11 In the event of an abnormal load using an unauthorised route, an expired permit, or in other respects failing to comply with the conditions of the permit, such permit must be regarded as null and void and prosecution must be based on the normal permissible masses. In addition, charges regarding the contravention of the permit conditions should be considered.

- 2.12 A standardised list of admissions of guilt is attached as **Annexure A** and must be recommended to all Magistrates for confirmation in terms of Section 57(5) of the Criminal Procedure Act, 1977 in order to promote national consistency. The list must be reviewed by a working group of the TCSP at least every two years.
- 2.13 A list of suggested fines to be imposed by the prosecutors in the event of conviction after a trial is attached as **Annexure B**. These are suggested guidelines only, but should be proposed by prosecutors to promote nationwide consistency.
- 2.14 A list of suggested fines to be imposed by the courts in the event of conviction after a trial is attached as **Annexure C**. These are suggested guidelines only, but should be proposed by prosecutors to promote nationwide consistency.

### **3. EQUIPMENT:**

- 3.1 Only mass measuring equipment that is approved by a conformity assessment body in terms of SANS 1838-1 may be used for law enforcement. Equipment installed before *(date of acceptance of these guidelines)* need however not be approved in terms of SANS 1838-1 before it may be used for law enforcement.
- 3.2 Only permanently installed weighing equipment (i.e. with permanent recesses and scale decks) may be used to conduct law enforcement for prosecuting purposes. Mobile instruments may be used for screening purposes only.
- 3.3 All measuring tapes shall be calibrated.
- 3.4 A file must be kept in respect of each weighbridge, and must contain all verification certificates and full details of all maintenance records, malfunctions and breakdowns. It is not essential to have the file available on site, but it must be readily available for inspection by offenders.

### **4. THE OPERATOR:**

- 4.1 The operator must have attended a training course on the use of the specific mass measuring equipment.

- 4.2 The operator must have his / her operator's certificate to use the equipment available on site at all times.
- 4.3 The manufacturer's instructions for use of the equipment must be complied with.
- 4.4 Every operator / officer taking part in mass measuring shall record the particulars of his / her actions for evidence purposes.

## **5. VERIFICATION AND MAINTENANCE:**

- 5.1 An accredited laboratory must verify the accuracy of the weighbridge every six months in terms of SANS 10343. No more than 7 days' grace is allowed, where after the use of such mass measuring equipment must be suspended until the verification has taken place.
- 5.2 A verification certificate must be issued after each verification, reflecting all the information required in terms of SANS 10343.
- 5.3 Maintenance and repairs which may affect the type approval of the equipment may only be conducted by the manufacturer, distributor or appointed agent of such equipment. Equipment must be re-verified if repairs necessitate a verification seal to be broken.
- 5.4 The results of any tests carried out at the commencement of a shift (see OPERATION infra) shall be retained in hard copy for a period of no less than 3 years.
- 5.5 The field document / data which were fed into the computer for calculations must be retained until the case has been disposed of or for 3 years, whichever is the shorter period.

## **6. OPERATION:**

- 6.1 The operator of the weighbridge shall check the operation of the equipment at the start of each shift of mass measuring. For this purpose the operator shall perform all tests as required by the manufacturer of the equipment.

- 6.2 If any error which may affect the accuracy of the readings is detected, the mass measuring exercise shall be aborted or discontinued until such error has been rectified. If the error cannot be rectified within less than 1 hour, all vehicles detained for weighing shall be allowed to proceed, unless clearly and substantially overloaded.
- 6.3 When the system is ready to weigh -
- the driver must be instructed to approach the scale slowly and that no sudden acceleration or hard braking is allowed
  - the vehicle must be directed onto the scale, ensuring that all wheels and axles are on the decks and are not touching any edges or gaps
  - the vehicle must be in neutral with the engine running
  - the brakes or hand brakes may not be activated during weighing
  - the driver and all passengers must remain in the vehicle during weighing
- 6.4 Mobile screening devices shall be placed and operated in such a way as not to endanger the safety of other traffic.

## **7. REASONABLENESS:**

- 7.1 Every mass measuring facility (excluding mobile weighbridges) shall have at least basic ablution facilities available at all times. (Water, toilet and wash basin.)
- 7.2 There shall be clear notice of the identity of the person in charge of the mass measuring operation. All complaints and problems experienced by offenders or operators shall be directed to such official for appropriate action.
- 7.3 If a mass measuring site does not operate 24 hours, all measuring activities and related actions for the day / shift must have been finalised before the responsible person in charge goes off duty. Any person wishing to adjust their load to within the legal limits must be allowed to do so until at least 1 hour after completion of the shift.
- 7.4 Preference shall at the weigh station be given to vehicles carrying animals, passengers and perishables, in that sequence, allowing such vehicles to jump the queue if necessary. The discretion in this regard shall be that of the person in charge of the mass measuring operation.

- 7.5 Vehicles carrying livestock must also be inspected to ensure that the overloading does not cause injury, undue stress or cruelty to the animals. Vehicles must otherwise only be detained if it is deemed to be unsafe to continue, e.g. due to ineffective brakes.

## **8. BREAKDOWN VEHICLES:**

- 8.1 Due to its particular construction, no prosecution for overloading on the steering axle/s should be instituted in respect of empty breakdown vehicles intended for the recovery of vehicles with a GVM of more than 10 000kg.
- 8.2 An overloaded vehicle which has broken down may only be towed to the nearest reasonable place where safe storage is available and / or where the load can be transferred, whichever is closest to the point of breakdown.
- 8.3 The breakdown operator shall not be held responsible for any overload of an axle or axle-unit of a towed vehicle. The breakdown vehicle driver/operator shall be held responsible for overloaded axles and axle-units of the breakdown vehicle and if the permissible maximum combination mass is exceeded.
- 8.4 Breakdown vehicles transporting goods other than a broken down vehicle is limited to an axle and axle-unit mass of 9 000 and 18 000 kg, respectively.

## **9. DANGEROUS GOODS:**

- 9.1 The driver or operator of a vehicle that conveys dangerous goods shall, on being informed that his vehicle has been detained because it is overloaded,
- make arrangements for his vehicle to proceed under official escort to a designated area in terms of the provisions of the NRTA, and
  - transfer the excess load to another vehicle that complies with the loading / unloading provisions of this standard. On no account shall he dump any excess cargo or decant any liquid load on the premises of the weighbridge.
- 9.2 After the load has been corrected, the vehicle must be escorted back to the weighbridge where it must be re-weighed to ensure that it is within legal limits.



**ANNEXURE A:**

***ADMISSION OF GUILT FINES IN TERMS OF SECTION 57(5) OF THE CRIMINAL PROCEDURE ACT, 1977***

<b><u>OVERLOAD</u></b>	<b><u>FINE</u></b>
2% – 3.99%	R 500
4% – 5.99%	R 750
6% – 7.99%	R 1 000
8% – 9.99%	R 1 500
10% – 11.99%	R 2 000
12% – 13.99%	R 2 500
14% +	No admission of guilt

**ANNEXURE B:**

***ADMISSION OF GUILT FINES WHICH MAY BE DETERMINED BY THE PUBLIC PROSECUTOR  
IN TERMS OF SECTION OF THE CRIMINAL PROCEDURE ACT, 1977***

<b><u>OVERLOAD</u></b>	<b><u>FINE</u></b>
14%	R 3 000
15%	R 3 500
16%	R 4 000
17%	R 5 000
18% +	No admission of guilt

***ANNEXURE C:***

**PROPOSED FINES TO BE IMPOSED BY COURT UPON CONVICTION**

18% - 19.99%	R 7 500
20% - 21.99%	R 10 000
22% - 23.99%	R 12 500
24% - 24.99%	R 15 000
25% - 29.99%	R 20 000
30% - 34.99%	R 25 000
35% - 39.99%	R 35 000
40% - 44.99%	R 45 000
45% - 50%	R 60 000

**CALCULATION OF % OVERLOAD:**

$$\frac{\text{overload}}{\text{permissible mass}} \times 100 = \% \text{ overload}$$

Example:  $\frac{8\,000\text{ kg}}{56\,000\text{ kg}} \times 100 = 14,28\% \text{ overload} = \text{No A/G by traffic officer, but prosecutor may set R3 000 A/G}$

***PROSECUTING GUIDELINES FOR EVIDENTIARY  
BREATH TESTING MACHINES***

**TECHNICAL COMMITTEE FOR STANDARDS AND PROCEDURES FOR LAW  
ENFORCEMENT EQUIPMENT**

***November 2005***

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## **PROSECUTING GUIDELINES FOR EVIDENTIARY BREATH TESTING EQUIPMENT (EBTM)**

### **1. GENERAL GUIDELINES FOR PROSECUTION IN DRUNK DRIVING CASES**

- 1.1. The fact that neither a blood nor a breath sample can be obtained *does not preclude* a prosecution on a charge of driving under the influence, if other evidence is available. If, for example, a competent and knowledgeable officer on drunken driving cases is available as witness, his or her evidence may well suffice.
- 1.2. Section 37 of Act 51 of 1977 is *not* unconstitutional and accordingly an accused may not refuse that blood be drawn.
- 1.3. A traffic officer, appointed as a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (GKR. 159 Government Gazette 6295 2 February 1979, as amended) has for purposes of the CPA the same powers as a police officer. He may therefore request a doctor or registered nurse to draw blood.
- 1.4. If the holder of a Professional driving permit (Prdp) is charged for driving with excess alcohol in his blood or breath, whilst driving in circumstances where a Prdp is not required, he must be prosecuted for contravention of the section as a normal driver and not a professional driver. (After implementation of Section 65 of Act 93 of 1996).

### **2. GUIDELINES FOR PROSECUTION WITH EVIDENTIARY BREATH TESTING EQUIPMENT**

- 2.1. The equipment may only be operated by a registered traffic officer who must have passed an operator's course for the particular model of the machine and must be issued with an operator's certificate of competence.
- 2.2. The operator must keep in his/her possession the operator's certificate for the equipment in question or a certified copy.
- 2.3. Only the equipment which complies with Regulation 332 of the Regulations in terms of the National Road Traffic Act may be used. Equipment must be calibrated at least once every six months by an accredited laboratory and a calibration certificate issued. A certified copy of the calibration certificate shall be available on site. Equipment that is outside the six months period must be recalibrated before it may be used for prosecution purposes.
- 2.4. After maintenance and repair of the equipment, it must be recalibrated.
- 2.5. All calibrations, maintenance and repairs shall be recorded in an appropriate equipment service record, which is kept for each unit.

EVIDENTIAL BREATH TESTER: EQUIPMENT SERVICE RECORD				
AUTHORITY				
EQUIPMENT NUMBER	SERIAL	CALIBRATION LABORATORY		
<i>DATE</i>	NATURE OF MALFUNCTION/ ROUTINE TEST	CALIBRATION TEST	DETAILS OF REPAIRS	MANUFACTURER/SUPPLIER SIGNATURE
<b>Example</b>				
1/1/99	Detects interferant all the time	2/2/99	Heating tube replaced	XYZ (Pty) Ltd
5/7/99	Routine calibration test	5/7/99	N/A	XYZ (Pty) Ltd

EVIDENTIAL BREATH TESTER: OCCURRENCE REGISTER					
AUTHORITY					
EQUIPMENT SERIAL NUMBER					
<i>DATE</i>	SUBJECT	TIME STOPPED	TIME TESTED	EBTM READING	CAS NUMBER
<b>Example</b>					
1/1/99	Mr X	10:05	10:15	0.62	Sunnyside X/xx/99
1/1/99	Mr Y	10:17	11:03	0.37	Released

**TECHNICAL COMMITTEE FOR  
STANDARDS AND PROCEDURES FOR  
TRAFFIC CONTROL AND  
TRAFFIC CONTROL EQUIPMENT  
(TCSP)**

**PROSECUTING GUIDELINES  
for  
Speed Measuring Equipment (SME)  
and  
Traffic Light Violation Monitoring Equipment (TLVME)**

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**Prepared by:**

***The TCSP***

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**GUIDELINES FOR PROSECUTION  
WITH REGARD TO SPEED AND TRAFFIC LIGHT PROSECUTIONS**

**1. INTRODUCTION**

- 1.1. The provisions in this document are operational guidelines only and non-compliance does not influence the accuracy or reliability of measurement results. The decision whether or not to prosecute remains in the discretion of the prosecutor.
- 1.2. The operator for purposes of these guidelines is a traffic officer appointed in terms of road traffic legislation.
- 1.3. The operator shall have attended and passed a course on speed measurement and, if applicable traffic light monitoring, as approved by the National Training Committee.
- 1.4. That the operator shall be in possession of an operator's certificate for the specific type of SME and, if applicable, TLVME.
- 1.5. An accredited laboratory shall calibrate or verify -
  - 1.5.1 All speed measuring equipment;
  - 1.5.2 All distance measuring equipment; and
  - 1.5.3 All time or time interval measuring equipment,at least once every six months and shall issue a calibration certificate. If the six month calibration period has expired, equipment must be recalibrated before it may be used for prosecution purposes.
- 1.6 All distance checking markers for validation of SME's shall be checked and validated by a Professional Land Surveyor, registered with the S A Council for Professional and Technical Land Surveyors or an accredited laboratory at least once every twelve months. A certificate of the validation shall be issued.
- 1.7. No prosecution may be instituted where the speed measurement was taken within 300 metres of the commencement of the speed limit zone, except with permission from the Director of Public Prosecutions.
- 1.8. That maintenance and repair of equipment and accessories that will result in the calibration seal being broken, shall only be attended to by the manufacturer, distributor, or their appointed agent, in accordance with the SANS 1795 and the equipment shall be recalibrated thereafter.

A person qualified to effect repairs to equipment, which is authorized in writing by the manufacturer, distributor or an appointed agent of the manufacturer of such equipment, may effect repairs in accordance with the manufacturer's instructions.
- 1.9. All results required to be recorded shall be recorded in an appropriate register.

- 1.10. A copy of the following must be available at all times at attended sites where SME's are being operated:
  - 1.10.1 A valid calibration certificate; and
  - 1.10.2 The operator's certificate.
- 1.11 The driver shall be afforded the opportunity to view the speed-reading and the documents referred to in 1.10, if stopped by a traffic officer.
- 1.12 The authority responsible for the speed measurement shall have the following documents available at their offices –
  - 1.12.1 a certificate showing compliance with the relevant part of SANS 1795 (applicable to equipment acquired after the re-publication of SANS 1795 – 1 January 2006; and
  - 1.12.2 certificates for any distance required in terms of this guideline.
- 1.13 A traffic authority that wants to use a camera for prosecution purposes where the alleged offender is not immediately stopped and charged, shall obtain written permission from the DPP for the sites or section of road where it plans on doing such prosecutions, whether such cameras are fixed or mobile.

## **2. GUIDELINES FOR PROSECUTION WITH REGARD TO SPEED MEASUREMENTS BY RADAR EQUIPMENT NOT LINKED TO A DATA AND IMAGE CAPTURING DEVICE**

### **2.1 SITE SELECTION**

When selecting a site for a speed measurement exercise, the following must be adhered to:

- 2.1.1 Site selection must be done during daytime for day and night-time operation.
- 2.1.2 There shall be no large, stationary, or metal objects (e.g. patrol vehicle, bus shelter) within a radius of 50 metres in front of the radar SME.
- 2.1.3 There shall be no metal road signs or vertical flat surfaces within 15 (fifteen) degrees on either side of the aiming direction, within a distance of 200 metres of the antenna.
- 2.1.4 The equipment may only be used where there is a clear view, any obstruction taken into account, within 45 degrees of the direction of aim over a distance of 600 metres.

#### **2.1.4.1 Slant Radar**

The equipment may only be used where there is a clear view, any obstruction taken into account, within 10 degrees of the direction of aim over a distance of 200 metres on either side of the direction of aim.

- 2.1.5 There shall be no high-tension cables within a radius of 100 metres of the antenna.



- 2.1.6 There shall be no discharge type lamps (e.g. sodium or neon) in operation within 45 degrees of the direction of aim within 100 metres of the antenna.

**2.1.7 Head-on Radar only**

- 2.1.7.1 Equipment modified or permanently set that no signals are received and processed from vehicles more than 300 metres away may be used on straight roads. Vehicles used to test the modification are vehicles with a tare of not more than 750 kg.

A copy of the certificate verifying the modification or setting has to accompany the equipment at all times.

- 2.1.7.2 Equipment not modified as referred to in paragraph (a), shall only be used where rises and bends in the road take all vehicles further than 300m out of the measuring area of the SME.

- 2.1.8 The SME shall at all times whilst being operated be mounted on a firm and stable surface and if mounted in or on a vehicle, the vehicle must be stabilized before the SME is used.

**2.2. SETTING UP THE DEVICE**

- 2.2.1 Ensure that the display is legible and functional.
- 2.2.2 Depress the test buttons (where applicable) and ensure that the readings obtained are as per the manufacturer's specifications and logged.
- 2.2.3 Verify operation using tuning fork method, where applicable.
- 2.2.4 Check that the site is interference free by using a radar detector supplied by the supplier/manufacturer of the radar equipment.
- 2.2.5 Ensure that the angle is set up according to the manufacturer's specifications. (Consideration must be given whether this insertion should not be placed in an operational document.)
- 2.2.6 The tests in paragraphs 2.2.2 to 2.2.4 must be done at the start and end of each speed measurement shift and whenever the instrument is moved.
- 2.2.7 A test photo will be taken to confirm compliance with paragraph 2.1.2.

**2.3. OPERATION**

- 2.3.1 The SME shall at all times whilst being operated be mounted on a firm and stable surface and if mounted in or on a vehicle, the vehicle must be stabilized before the SME is used.

2.3.2 If an unexplained spurious reading is observed, operation must be ceased immediately.

**2.3.3 Head-on Radar Only**

Ensure that no speed measurements are taken if any moving vehicle other than the measured vehicle is within 600 metres from the SME in the direction of operation unless 2.1.7 (b) is met (this is covered by paragraph 6.1.5 hereafter).

**3. GUIDELINES FOR PROSECUTION WITH REGARD TO SPEED MEASUREMENTS BY LASER EQUIPMENT**

**3.1. PREPARATION FOR MOBILE SME's**

Prior to the machine being used, the following checks must be carried out and recorded:

3.1.1 A vertical and horizontal scope alignment test, at a distance of at least 100 metres must be done at the start and end of each speed measurement shift and whenever the equipment is moved.

3.1.2 A fixed distance and zero velocity test shall be done:

- (a) The validation distance must be at least 100 metres.
- (b) The distance error must not be more than  $\pm 0,2$  metres.
- (c) No speed-reading must be displayed when taking a measurement of a stationary object.

3.1.3 If any of the above tests are not met, the SME shall not be used for prosecution purposes.

**3.2. SITE SELECTION FOR MOBILE OPERATION**

When selecting a site for a speed measurement exercise, the operator must have a clear and uninterrupted view of the road and the vehicle measured for the duration of the measurement.

**3.3. SETTING UP THE DEVICE**

3.3.1 The SME shall at all times whilst being operated be mounted on a firm and stable surface and if mounted in or on a vehicle, the vehicle must be stabilized before the SME is used.

3.3.2 Ensure that the display is legible and functional.

3.3.3 Verify correct operation using the self-test function.

### **3.4. MOBILE OPERATION**

The following must be adhered to whilst operating the equipment.

- 3.4.1 For approaching or receding vehicles, readings must be taken by aiming at the general area of the number plate of the vehicle, or if it is a motorcycle, its headlamp or rear lamp.
- 3.4.2 Ensure that you have:
  - (a) a clear and uninterrupted view of the vehicle measured, and
  - (b) that no measurement is locked beyond 500 metres.
- 3.4.3 When viewed from the SME there must be a clear, visible separation between the vehicle target and any other visible vehicle.
- 3.4.4 The measured distance mentioned in 3.4.2(b) must be recorded on the charge sheet, if no photographic evidence is available.

## **4. GUIDELINES FOR PROSECUTION WITH REGARD TO SPEED MEASUREMENTS USING DISTANCE-OVER-TIME MEASURING EQUIPMENT (FIXED DISTANCE/VARIABLE TIME)**

### **4.1. SITE SELECTION**

- 4.1.1 The sensor lines of the SME may only be installed on an even and hard road surface.
- 4.1.2 The operator must have a clear view of the sensor lines.

### **4.2. SETTING UP THE DEVICE**

- 4.2.1 Ensure that the display is legible and functional.
- 4.2.2 Ensure that only accessories approved by the manufacturer are used.
- 4.2.3 The SME shall be tested at the start and end of each speed measurement shift, using the internal test feature.
- 4.2.4 Two independent measurements must be obtained, using at least three separated sensors. If four sensors are used, they must be separated by at least 100mm. The speed measurement results may not differ from one another by more than 3% and the lesser of the two measurements must be used for prosecution purposes.
- 4.2.5 The distance between the sensor lines may not be less than the distance specified by the manufacturer.

### **4.3. OPERATION**

- 4.3.1 The condition of the sensor lines must be checked at the start and end of each shift, and the distance between the sensor lines must be measured in the case of surface sensors.
- 4.3.2 If two or more vehicles are in the measurement area between the sensor lines at the same time, the measurement is to be rejected, except on the case of lane specific sensors.
- 4.3.3 In the case of sensors mounted on the surface, the operator shall, observe the condition and position of the sensors from the side of the road, every hour.

## **5. GUIDELINES FOR PROSECUTION WITH REGARD TO SPEED MEASUREMENTS USING DISTANCE-OVER-TIME MEASURING EQUIPMENT (VARIABLE DISTANCE/VARIABLE TIME)**

### **5.1. PREPARATION**

- 5.1.1 Prior to the instrument being used for speed prosecution purposes, the following checks must be done:
  - 5.1.1.1 Verify correct operation, using the built-in test function.
  - 5.1.1.2 Perform a distance check according to manufacturer's instructions over a validated distance of not less than 500 metres.
  - 5.1.1.3 The operator must be in possession of a calibration certificate for the distance between the validation markers.
  - 5.1.1.4 The test in paragraph 5.1.1.2 must be repeated at the end of an operator shift, or each time after a wheel was changed, or when tyre pressure was inflated/deflated.
  - 5.1.1.5 Record the results of the abovementioned tests.
- 5.1.2 Only vehicles clearly marked or identifiable as official traffic or police vehicles may be utilized for this equipment, except with the permission of the Director of Public Prosecutions.

### **5.2. SITE SELECTION**

- 5.2.1 The equipment may be used on any suitable road or in any traffic condition, provided that the operator has (where applicable) a clear view of identifiable markers next to or on the road.

5.2.2 The target vehicle must be visible at all times.

### **5.3. OPERATION**

5.3.1 A written record of all proceedings and incidents during a shift shall be kept at all times.

5.3.2 When measuring the target vehicle's speed, the distance measured shall not be less than 500 metres.

## **6. GUIDELINES FOR PROSECUTION WITH REGARD TO DATA CAPTURING AND RECORDING DEVICES FOR SPEED MEASUREMENTS AND TRAFFIC LIGHT VIOLATIONS EQUIPMENT SUCH AS WET FILM CAMERAS, VIDEO CAMERAS, DIGITAL CAMERAS)**

### **6.1. GENERAL REQUIREMENTS APPLICABLE TO BOTH UNATTENDED AND ATTENDED OPERATIONS.**

6.1.1 The photograph/image shall at least record the following for Speed measuring equipment:

- (a) date of offence;
- (b) time of offence;
- (c) the speed measured;
- (d) where sensor lines are installed, a view of the whole width of the traffic lane(s) covered by the sensor lines;
- (e) where any other sensors e.g. laser or radar are used, an image of the area with an angle of view sufficient to ensure that the speeding vehicle is clearly identified in relation to the measuring position and other vehicles which may be nearby; and
- (f) the location code.

6.1.2 An information sign with regard to speed prosecution by camera must be displayed as required by the Director of Public Prosecutions, if the offender is not immediately stopped and informed of the offence.

6.1.3 The photograph/image shall at least record the following for Traffic light violation monitoring equipment:

- (a) date of offence;
- (b) time of offence;

- (c) the yellow interval time of the traffic light preceding the red-light time;
  - (d) the elapsed red-light time at time of the photograph/image;
  - (e) a view of the whole width of the traffic lane(s) and intersection;
  - (f) at least one functioning traffic light must be visible in the photograph / image indicating the interval of the intersection;
  - (g) at least two photographs/images indicating the position of the vehicle of the accused must be taken;
  - (h) the first image must show the vehicle entering the intersection after a delay time has lapsed at the start of the red-interval of the intersection;
  - (i) at least a second image taken a fixed time or distance from the first image indicating the vehicle moving through the red interval of the intersection; and
  - (j) the location code.
- 6.1.4 A written notice in terms of section 341 of the Criminal Procedure Act, 55 of 1977 shall be posted to the licensed owner of the motor vehicle within 30 days of the date of the offence.
- 6.1.5 Every photograph/image is to be inspected by a peace officer before prosecution is initiated to ensure that all the requirements of paragraph 6. 1.1 has been complied with and:
- 6.1.5.1 that two or more vehicles are not in the measurement area between the sensor lines if the sensor lines are general or not lane specific, and if lane specific, the lane of violation shall be indicated; or
  - 6.1.5.2 where a laser device is used, that there is a clear unobstructed view of the vehicle to be prosecuted;
  - 6.1.5.3 where a radar device is used, that there are no vehicles other than the vehicle to be prosecuted, in the measurement area; and
  - 6.1.5.4 that the information on the photograph and the information on the ENaTIS system must correlate with regard to the make and type of vehicle.
- 6.1.6 If requested, a copy of the relevant photograph/image must be supplied free of charge to the alleged offender or licensed owner of the vehicle.
- 6.1.7 If a flash light is used during night-time operation, only filtered flash lights (to avoid blinding of motorists) may be used to illuminate the vehicle from the front.

- 6.1.8 In case of a traffic light offence, a letter of notice must be posted within 30 calendar days to the licensed owner of the vehicle to inform him/her of the offence and requesting him/her to contact the authorities.

## **6.2. UNATTENDED OPERATIONS**

- 6.2.1 Only speed measuring or traffic light violation monitoring equipment installed in a permanently secured housing that has permanently installed sensors may be used for unattended operations for prosecution of speed violations and traffic light violations.
- 6.2.2 Permanently installed systems shall be checked for correct operation and damage. Installations that are operational for longer than seven days shall be checked for correct operation, correct camera alignment and damage every seven days. The results of the check shall be recorded.
- 6.2.3 Where a laser or radar SME is used, the operator shall verify that the alignment of the laser device or radar sighting device is coincident with the camera aiming point. Record the results on image. This verification shall be done before and after each period of operation. Installations that are operational for longer than seven days shall be checked for operation, scope and camera alignment and damage every seven days. The results of the check shall be recorded.

## **6.3. ATTENDED OPERATIONS**

- 6.3.1 Where a laser or radar SME is used, the operator shall verify that the alignment of the laser device or radar sighting device is coincident with the camera aiming point. Record the results on image. This verification shall be done before and after each period of operation.
- 6.3.2 Where variable distance/variable time SME's are used the video or other recordings shall comply with the following:
- 6.3.2.1 All relevant information must automatically be displayed on the video or other recording, including the speed of the patrol vehicle. The operator must not be able to alter any information displayed on the video or other recording.
- 6.3.2.2 The video camera or other recording must be used to record as much information concerning the driver and his vehicle as possible, and should be kept running until the finalisation of the incident.
- 6.3.2.3 Once the whole video cassette or other recorded medium has been utilized it must not be tampered with, and must be kept safe and secure for court proceedings.

## **7. AVERAGE SPEED LIMIT PROSECUTIONS OVER EXTENDED DISTANCES TO BE FINALISED**