

NATIONAL ROAD TRAFFIC ACT 93 OF 1996

[ASSENTED TO 12 NOVEMBER 1996]

[DATE OF COMMENCEMENT: 1 AUGUST 2000]

(Unless otherwise indicated)

(English text signed by the President)

as amended by

National Road Traffic Amendment Act 8 of 1998
National Road Traffic Amendment Act 21 of 1999
National Road Traffic Amendment Act 20 of 2003

Regulations under this Act

INCORPORATION OF STANDARD SPECIFICATIONS INTO THE NATIONAL ROAD TRAFFIC
REGULATIONS

NATIONAL ROAD TRAFFIC REGULATIONS

ACT

To provide for road traffic matters which shall apply uniformly throughout the Republic and for matters connected therewith.

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CHAPTER I INTERPRETATION OF ACT (s 1)

1 Definitions

[NB: The definitions of '**chief executive officer**', '**Corporation**' and '**Shareholders Committee**' have been inserted and the definitions of '**examiner for driving licences**', '**examiner of vehicles**', '**inspector of licences**', '**instructor**', '**peace officer**', '**registering authority**' and '**traffic officer**' have been substituted by s. 1 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

In this Act, unless the context otherwise indicates-

'**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;

'**articulated motor vehicle**' means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;

'**authorised officer**' means an inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer, and also any other person declared by the Minister by regulation to be an authorised officer, from time to time;

[Definition of 'authorised officer' inserted by s. 1 (a) of Act 21 of 1999.]

'**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;

'**bridge**' includes a culvert and a causeway;

'**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;

[Definition of 'builder' substituted by s. 1 (a) of Act 8 of 1998.]

'**by-law**' means a by-law issued under the laws of a province;

[Date of commencement of definition of 'by-law': to be proclaimed.]

'**certification of roadworthiness**', in relation to a motor vehicle, means certification of roadworthiness in terms of section 42;

[Definition of 'certification of roadworthiness' inserted by s. 1 (b) of Act 8 of 1998.]

'**combination of motor vehicles**' means two or more motor vehicles coupled together;

'**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);

'**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;

'**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';

'**Department**' means the Department of Transport;;

'**department of State**' means a department as defined in section 1 (1) of the Public Service Act, 1994 (Proclamation 103 of 1994);

'**Director-General**' means the Director-General: Transport;

'**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;

'**driving licence**' means a driving licence referred to in Chapter IV;

'**driving licence testing centre**' means a driving licence testing centre referred to in Chapter IV;

'**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;

(b) in the case of any other road, the edge of the improved part of the road intended for vehicular use;

'**examiner for driving licences**' means an examiner for driving licences registered and appointed in terms of the laws of any province;

[Date of commencement of definition of 'examiner for driving licences': to be proclaimed.]

'**examiner of vehicles**' means an examiner of vehicles registered and appointed in terms of the laws of any province;

[Date of commencement of definition of 'examiner of vehicles': to be proclaimed.]

'**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;

'**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;

'**goods**' means any movable property;

'**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;

'**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;

'**identity document**' means an identity document as defined in section 1 of the Identification Act, 1986 (Act 72 of

1986);

'importer' means any person who imports new or used motor vehicles into the Republic;

[Definition of 'importer' substituted by s. 1 (c) of Act 8 of 1998.]

'inspector of licences' means an inspector of licences appointed in terms of the laws of any province;

[Date of commencement of definition of 'inspector of licences': to be proclaimed.]

'instructor' means any person registered as such in terms of the laws of any province;

[Date of commencement of definition of 'instructor': to be proclaimed.]

'international driving permit' means an international driving permit issued in terms of a Convention or recognised thereunder;

'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;

'learner's licence' means a learner's licence referred to in Chapter IV;

'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 209 of 1993);

'manufacturer' means a person who manufactures or assembles new motor vehicles;

[Definition of 'manufacturer' substituted by s. 1 (d) of Act 8 of 1998.]

'manufacturer of number plates' means a person who, for the purpose of selling number plates, manufactures number plates;

[Definition of 'manufacturer of number plates' inserted by s. 1 (e) of Act 8 of 1998.]

'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 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;

[Definition of 'MEC' substituted by s. 1 (f) of Act 8 of 1998.]

'medical practitioner' means any person registered as such in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974);

'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;

'motor cycle' means a motor vehicle which has two wheels and includes any such vehicle having a side-car attached;

'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;

'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;

'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;

'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;

'number plate' means a prescribed plate on which the licence number of a motor vehicle or motor trade number is displayed;

[Definition of 'number plate' inserted by s. 1 (g) of Act 8 of 1998.]

'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;

'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;

'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 registered as such in accordance with the regulations under section 4, and 'owned' or any like word has a corresponding meaning;

'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;

'peace officer' means a traffic officer and also a traffic warden appointed in terms of the laws of any province;

[Date of commencement of definition of 'peace officer': to be proclaimed.]

'pedal cycle' means any bicycle or tricycle designed for propulsion solely by means of human power;

'prescribe' means prescribe by regulation;

'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;

'professional driver' means the driver of a motor vehicle referred to in section 32;

[Definition of 'professional driver' substituted by s. 1 (h) of Act 8 of 1998.]

'professional driving permit' means a professional driving permit referred to in Chapter IV;

'province' means a province referred to in section 103 of the Constitution of the Republic of South Africa, 1996;

[Definition of 'province' substituted by s. 1 (i) of Act 8 of 1998.]

'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;

'registering authority' means a registering authority appointed as such in accordance with the laws of any province;

[Date of commencement of definition of 'registering authority': to be proclaimed.]

'registration plate'

[Definition of 'registration plate' deleted by s. 1 (j) of Act 8 of 1998.]

'regulation' means a regulation under this Act;

'repealed ordinance' means an ordinance or any provision of an ordinance repealed by the Road Traffic Act, 1989 (Act 29 of 1989);

'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;

'road traffic ordinance' means the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966), of the former Transvaal, Natal, the Orange Free State and the Cape of Good Hope, respectively;

'road traffic sign' means a road traffic sign prescribed under section 56;

'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;

'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;

'roadworthy certificate', in relation to a motor vehicle, means a certificate issued in terms of section 42;

'semi-trailer' means a trailer having no front axle and so designed that at least 15 per cent of its tare is superimposed on and borne by a vehicle drawing such trailer;

'shoulder' means that portion of a road, street or thoroughfare between the edge of the roadway and the kerb line;

'sidewalk' means that portion of a verge intended for the exclusive use of pedestrians;

'South African Bureau of Standards' means the South African Bureau of Standards referred to in section 2 (1) of the Standards Act, 1993 (Act 29 of 1993);

'stop' means the bringing to a standstill of a vehicle by the driver thereof;

'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);

'testing station' means a testing station registered in terms of section 39;

'this Act' includes the regulations;

'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;

'tractor' means a motor vehicle designed or adapted mainly for drawing other vehicles and not to carry any load thereon, but does not include a truck-tractor;

'traffic officer' means a traffic officer appointed in terms of the laws of any province and any member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act 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;

[Date of commencement and definition of 'traffic officer': to be proclaimed.]

'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;

'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 9 of 1989);

'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;

'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;

'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

'verge' means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder.

CHAPTER II APPLICATION OF ACT AND MINIMUM REQUIREMENTS (ss 2-3)

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 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*.

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.

[S. 3 substituted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3: to be proclaimed.]

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) 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: Provided that 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 the further period approved by the MEC on the understanding that it is a condition of appointment that such person during that probation period complies with the competency and registration requirements prescribed for the specific appointment category.

(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.

[S. 3A inserted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3A : to be proclaimed.]

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.

[S. 3B inserted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3B : to be proclaimed.]

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 licences 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.

[S. 3C inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3C : to be proclaimed.]

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 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 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.

[S. 3D inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3D : to be proclaimed.]

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.

[S. 3E inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3E : to be proclaimed.]

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.

[S. 3F inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3F : to be proclaimed.]

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.

[S. 3G inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3G : to be proclaimed.]

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.

[S. 3H inserted by s. 2 of Act 21 of 1999.]
 [Date of commencement of S. 3H : to be proclaimed.]

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 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.

[S. 3I inserted by s. 2 of Act 21 of 1999.]

[Date of commencement of S. 3I : to be proclaimed.]

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 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.

[S. 3J inserted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3K : to be proclaimed.]

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 by word, conduct or demeanour, pretend that he or she is an authorised officer or a peace officer.

(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.

[S. 3K inserted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3K : to be proclaimed.]

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.

[S. 3L inserted by s. 2 of Act 21 of 1999.]
[Date of commencement of S. 3L : to be proclaimed.]

CHAPTER III REGISTRATION AND LICENSING OF MOTOR VEHICLES AND REGISTRATION OF MANUFACTURERS, BUILDERS, IMPORTERS AND MANUFACTURERS OF NUMBER PLATES (ss 4-7)

[Heading substituted by s. 2 of Act 8 of 1998.]

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.

[S. 4 substituted by s. 3 of Act 21 of 1999.]

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 MEC concerned for registration as a manufacturer, builder, importer or manufacturer of

number plates.

[NB: Sub-s. (1) has been amended by s. 4 (a) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(2) If the MEC 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.

[NB: Sub-s. (2) has been amended by s. 4 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(3) The MEC may, in the prescribed manner, alter the conditions referred to in subsection (2).

[NB: Sub-s. (3) has been amended by s. 4 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(4) The MEC 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.

[NB: Sub-s. (4) has been amended by s. 4 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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.

[Sub-s. (7) added by s. 4 (c) of Act 21 of 1999.]

[S. 5 substituted by s. 3 of Act 8 of 1998.]

6 Right of appeal to Minister

(1) Any person who is aggrieved at the refusal of the MEC 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 Minister against such refusal, suspension, cancellation or conditions, and such person shall at the same time serve a copy of the appeal on the MEC.

[Sub-s. (1) substituted by s. 4 of Act 8 of 1998.]

(2) After receipt of the copy of the appeal referred to in subsection (1), the MEC shall forthwith furnish the Minister with his or her reasons for the refusal, suspension, cancellation or conditions to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he or she may deem fit.

[NB: S. 6 has been amended by s. 5 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

CHAPTER IV FITNESS OF DRIVERS (ss 8-36)

8 Application for registration of driving licence testing centre

(1) A department of State or registering authority desiring to operate a driving licence testing centre shall in the prescribed manner apply to the MEC in whose province that centre will be operated, for the registration of that testing centre.

(2) A driving licence testing centre may, on the prescribed conditions, be registered and graded to test applicants for learners' licences only.

[NB: S. 8 has been substituted and a s. 8A has been inserted by s.6 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

9 Registration and grading of driving licence testing centre

On receipt of an application referred to in section 8 the MEC 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 *Provincial Gazette*.

[NB: S. 9 has been substituted by s. 7 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

10 Suspension or cancellation of registration of driving licence testing centre

The MEC 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 he or she may deem fit, or regrade or cancel it, in the prescribed manner.

[NB: S. 10 has been substituted by s. 8 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

11 Appointment of national inspectorate of driving licence testing centres

(1) The Minister shall appoint a person, an authority or a body as a national 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 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 in terms of this Act.

[Date of commencement of s. 11: to be proclaimed.]

[NB: S. 11 has been substituted by s. 9 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

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.

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 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 MEC 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).

[NB: Sub-s. (2) has been amended by s. 10 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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 MEC of the province concerned.

[NB: Sub-s. (2) has been amended by s. 11 (a) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(3) When a licence is submitted in terms of subsection (2) the MEC 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 MEC 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 MEC 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.

[NB: Sub-s. (3) has been amended by s. 11 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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 in the application 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 examined and tested by an examiner for driving licences in the manner and in respect of the matters as prescribed.

(3) If the examiner for driving licences is satisfied that the applicant has sufficient knowledge of the matters as 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 examiner shall issue or authorise the issue of a learner's licence in the prescribed manner to such applicant in respect of the appropriate class of motor vehicle, and the examiner or the person authorised thereto by him or her 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.

(4) No person shall wilfully or negligently issue or authorise the issue of a learner's licence contrary to the provisions of this Chapter.

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, as prescribed, to drive a motor vehicle of the class to which such applicant's application relates, the examiner shall issue or authorise the issue of a driving licence in the prescribed manner to such applicant in respect of that class of motor vehicle, and the examiner or the person authorised thereto by him or her 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.

(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 a contract of employment outside the borders of the Republic; or
- (iv) a full-time student at a foreign academic institution,

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 not six months after the date of such discharge, release or return.

[Sub-s. (6) substituted by s. 12 of Act 21 of 1999 and by s. 1 (a) of Act 20 of 2003.]

(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).

[Sub-s. (7) added by s. 1 (b) of Act 20 of 2003.]

19 Substitution of driving licence 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) A driving licence which has not been substituted as contemplated in subsection (1) becomes invalid on the day after the date determined by the Minister in terms of section 18 (6) or (7), as the case may be.

(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.

[S. 19 amended by s. 13 of Act 21 of 1999 and substituted by s. 2 of Act 20 of 2003.]

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, 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).

21 Power of MEC in respect of examination and testing of applicant for learner's or driving licence

Notwithstanding anything to the contrary in this Act contained, the MEC may, whenever he or she deems it necessary, direct where and by which examiner for driving licences an applicant for a learner's or driving licence shall be examined and tested and at which driving licence testing centre such applicant may apply for a driving licence.

[NB: S. 21 has been substituted by s. 14 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

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.

25 Suspension or cancellation by MEC 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 MEC of the province concerned 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 MEC of the province concerned may cancel or suspend such licence.

(2) For the purposes of subsection (1) the MEC may request the holder of the licence concerned to submit himself or herself within such period as the MEC may determine-

- (a) to an examination and a test by one or more examiners for driving licences nominated by the MEC, 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 MEC, 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 MEC 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 MEC, 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 MEC concerned shall forthwith cancel the licence concerned.

(5) If any person fails to comply with a request in terms of subsection (2), the MEC may forthwith suspend or cancel, as the case may be, the licence concerned unless such person is able to satisfy the MEC within a period determined by the MEC 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 MEC 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 MEC 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 MEC 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 MEC 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 MEC 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 MEC 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 MEC 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 MEC concerned 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.

[NB: S. 25 has been amended by s. 15 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

[NB: Sub-s. (1) has been amended by s. 16 (a) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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 MEC 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).

[NB: Para. (b) has been amended by s. 16 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(3) Upon receipt of an application under subsection (1) the MEC 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 MEC may deem expedient.

[NB: Sub-s. (3) has been amended by s. 16 (c) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(4) If an application under subsection (1)-

- (a) is refused by the MEC, 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 MEC, 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 or, in the case where it is contained in an identity document, the Director-General of Home Affairs accordingly.

[NB: Sub-s. (4) has been amended by s. 16 (c) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

[S. 28 substituted by s. 17 of Act 21 of 1999.]

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.

[S. 28A inserted by s. 17 of Act 21 of 1999.]
[Date of commencement of s. 28A : to be proclaimed.]

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.

[S. 28B inserted by s. 17 of Act 21 of 1999.]
[Date of commencement of S. 28B : to be proclaimed.]

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.

[S. 28C inserted by s. 17 of Act 21 of 1999.]
[Date of commencement of S. 28C : to be proclaimed.]

29 Voidness of learner's or driving 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 MEC concerned, 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 that MEC, 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 cancel the licence only with the prior approval of the MEC concerned.

[NB: S. 29 has been substituted by s. 18 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

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.

[Sub-s. (1) amended by s. 5 (a) of Act 8 of 1998.]

(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 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 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.

[Para. (b) substituted by s. 5 (b) of Act 8 of 1998.]

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.

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.

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;
- (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 that circumstances 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 deem 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.

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 (ss 37-44)

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.

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 MEC concerned for the registration of such testing station.

[NB: S. 38 has been substituted by s. 19 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

39 Registration and grading of testing station

If, upon receipt of an application referred to in section 38, the MEC is satisfied that the prescribed requirements for registration of the testing station concerned have been met, he or she shall register and grade such testing station on the conditions and in the manner prescribed, and shall give notice of such registration in the *Provincial Gazette*: Provided that the MEC may provisionally register and grade a testing station operated by a registering authority, on the conditions and in the manner prescribed.

[NB: S. 39 has been substituted by s. 20 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

40 Suspension or cancellation of registration of testing station

The MEC may, if a registered testing station no longer complies with the requirements contemplated in section 39, suspend, for such period as he or she may deem fit, or cancel the registration of such testing station or regrade the testing station in the prescribed manner.

[NB: S. 40 has been substituted by s. 21 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

41 Appointment of national inspectorate of testing stations

(1) The Minister shall appoint a person, an authority or a body as a national 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.

[Date of commencement of s. 41: to be proclaimed.]

[NB: S.41 has been substituted by s. 22 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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 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 deemed to be certification of roadworthiness or a roadworthy certificate for the purpose of subsection (2) or (3), as the case may be.

[S. 42 substituted by s. 6 of Act 8 of 1998.]

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 disc issued in terms of this Act is displayed on such motor vehicle in the prescribed manner.

[S. 42A inserted by s. 7 of Act 8 of 1998.]

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.

[S. 43 substituted by s. 8 of Act 8 of 1998.]

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.

[Date of commencement of s. 44: 1 July 2001.]

CHAPTER VI OPERATOR FITNESS (ss 45-51)

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 MEC may determine, submit the particulars of the operator to the MEC concerned within seven days after registration of such operator.

[NB: Sub-s. (2) has been amended by s. 23 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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 MEC 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.

[NB: Sub-s. (4) has been amended by s. 23 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(5) If the MEC 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).

[NB: Sub-s. (5) has been amended by s. 23 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(6) The Minister may by regulation exempt any operator or category of operators from any provision of this Act.

[S. 45 substituted by s. 9 of Act 8 of 1998.]

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 an operator card for the purposes 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 MEC to act under section 50 if such card was issued in the Republic, the MEC 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.

[NB: Sub-s. (4) has been amended by s. 24 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

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;

[Para. (a) substituted by s. 10 of Act 8 of 1998.]

- (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.

50 Power of MEC in respect of motor vehicles, drivers and activities of operators

(1) The MEC 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 MEC 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 MEC 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 that MEC may deem fit;
 - (ii) that no further operator card shall be issued to him or her for such period as that MEC may specify in the notice; or
 - (iii) that the operator card or cards relating to such motor vehicle or vehicles as the MEC may determine in respect of which he or she is registered as the operator is or are suspended until that MEC 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 MEC under this paragraph shall only be taken on the basis of a recommendation by a person appointed under paragraph (b);
 - (cc) the MEC 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 MEC concerned may, in the exercise of his or her powers under this section-
- (a) require any operator, subject to any legal 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.
- (5)

[Sub-s. (5) deleted by s. 11 of Act 8 of 1998.]

[NB: s. 50 has been substituted by s. 25 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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 VIA RIGHT OF APPEAL TO SHAREHOLDERS COMMITTEE (ss 51A-51B)

[Chapter VIA inserted by s. 26 of Act 21 of 1999.]

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.

[S. 51A inserted by s.26 of Act 21 of 1999.]
[Date of commencement of s. 51A : to be proclaimed.]

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.

[S. 51B inserted by s. 26 of Act 21 of 1999.]
[Date of commencement of s. 51B : to be proclaimed.]

CHAPTER VII ROAD SAFETY (ss 52-53)

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.

[NB: S. 52 has been substituted by s. 27 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

53 Delegation by Director-General

(1) The Director-General 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 Director-General, and the Director-General may at any time revoke such delegation or authorisation.

(3) Any delegation or authorisation under subsection (1) shall not prevent the Director-General from exercising that power or carrying out that duty himself or herself.

[NB: S. 53 has been substituted by s. 28 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

CHAPTER VIII DANGEROUS GOODS (ss 54-55)

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.

[Date of commencement of s. 54: 1 August 2001.]

55 Appointment of dangerous goods inspector or inspectorate

(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.

[Date of commencement of s. 55: 1 August 2001.]

CHAPTER IX ROAD TRAFFIC AND GENERAL SPEED LIMIT (ss 56-60)

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.

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.

[NB: A sub-s. (1A) has been inserted by s. 29 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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 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.

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 rescue vehicle or an ambulance who drives such vehicle in the performance of his or her duties, a traffic officer who drives a vehicle in the carrying out of his or her duties or any person driving a vehicle while engaged in civil protection as contemplated in any ordinance made in terms of section 3 of the Civil Protection Act, 1977 (Act 67 of 1977), 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, rescue vehicle, ambulance or vehicle driven by a person while he or she is so engaged in civil protection, 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.

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 consultation with the MECs, 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.

[NB: Sub-s. (3) has been substituted by s. 30 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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.

60 Certain drivers may exceed general speed limit

Notwithstanding the provisions of section 59, the driver of a fire-fighting vehicle, a rescue vehicle or an ambulance who drives such vehicle in the carrying out of his or her duties, a traffic officer who drives a vehicle in the carrying out of his or her duties or any person driving a vehicle while engaged in civil protection as contemplated in any ordinance made in terms of section 3 of the Civil Protection Act, 1977 (Act 67 of 1977), 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, rescue vehicle, ambulance or vehicle driven by a person while he or she is so engaged in civil protection, 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.

CHAPTER X ACCIDENTS AND ACCIDENT REPAIRS (ss 61-62)

61 Duty of driver in event of accident

(1) The driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property or animal shall-

- (a) immediately stop the vehicle;
- (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 registration or similar mark thereof;

- (f) if he or she has not already furnished the information referred to in paragraph (e) to a 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 any case within 24 hours 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 that paragraph; 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.

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, INCONSIDERATE DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A DRUG HAVING A NARCOTIC EFFECT, AND MISCELLANEOUS OFFENCES (ss 63-68)

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.

64 Inconsiderate driving

No person shall drive a vehicle on a public road without reasonable consideration for any other person using the road.

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 millilitres, 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 1000 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 1000 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.

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.

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.

68 Unlawful acts in relation to registration 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.

[Sub-s. (1) substituted by s. 12(a) of Act 8 of 1998.]

(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

[Para. (a) substituted by s. 12 (b) of Act 8 of 1998.]

- (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; or
- (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.

(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.

[Sub-s. (5) amended by s.12 (c) of Act 8 of 1998.]

(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 (ss 69-74)

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.

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.

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.

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.

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.

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.

CHAPTER XIII REGULATIONS (ss 75-76)

75 Power of Minister to make regulations

(1) The Minister may after consultation with the MECs 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 registration 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;
- (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;

[Sub-para. (v) added by s. 13 (c) of Act 8 of 1998.]

- (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 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) the furnishing of accident reports and statistics of any nature;
- (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

¹*(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.

[Para. (zA) added by s. 31 (b) of Act 21 of 1999.]

[NB: Sub-s. (1) has been substituted by s. 31 (a) of Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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.

²*(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.

[Sub-s. (2A) inserted by s. 31 (c) of Act 21 of 1999.]

(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 may, if he or she deems it expedient, cause a draft of the proposed regulation 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 thereanent, it shall not be necessary so to publish such alterations before making the regulation.

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 is at any time after the incorporation thereof in the regulations amended or replaced, the notice incorporating that standard in the regulations shall, unless otherwise stated therein, be deemed to refer to that standard as so amended or replaced, as the case may be.

(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 29 of 1993).

CHAPTER XIV REGISTERS AND RECORDS (ss 77-79)

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;

[NB: Para. (g) has been substituted by s. 32 (a) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

- (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.

[NB: Sub-s. (3) has been substituted by s. 32 (b) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

(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.

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;

[NB: Para. (b) has been substituted by s. 33 (a) of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

- (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:

[Para. (f) added by s. 33 (d) of Act 21 of 1999.]

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.

79 Cognisance may be taken of information contained in register or record

The Minister or the MEC concerned 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.

[NB: S. 79 has been substituted by s. 34 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

CHAPTER XV
GENERAL PROVISIONS (ss 80-94)

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.

80A Power of local authority to make by-laws

(1) Subject to the provisions of any law in relation to the procedure to be followed in the making, approval and promulgation of any by-law by a local authority, any local authority may, with the concurrence of the Premier concerned, make by-laws not inconsistent with the provisions of this Act or the laws of the province, in respect of-

- (a) the safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;
- (b) subject to the provisions of the Business Act, 1991 (Act 71 of 1991), and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, the stopping and parking of any vehicle on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;
- (c) the appointment and licensing of parking attendants and the withdrawal of any such licence;
- (d) the driver or conductor of, or other person providing a service involving, a vehicle plying for hire or a vehicle which transports or conveys passengers for a tariff;
- (e) subject to the provisions of the Business Act, 1991 (Act 71 of 1991), and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, any public road which is not to be used by any vehicle, either generally or at specific times;
- (f) the relative position of traffic of differing speeds and classes on the public road;
- (g) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (h) the loading and off-loading of any vehicle on a public road;
- (i) the rules as to priority of entry of certain motor vehicles into a main thoroughfare;
- (j) the use of a hooter, bell or other warning device and the conditions under which any such warning device may be used within any specified area, whether at all times or during specified periods;
- (k) the appointment of an advisory traffic control board consisting of no fewer than three members to advise the local authority on all questions of traffic control;
- (l) the use of any public road by traffic in general;
- (m) the limitation of age of drivers of vehicles drawn by animals;
- (n) any form or token which a local authority may deem expedient for the purposes of any by-law, and the nature and extent of any information to be furnished for the purpose of any such form;
- (o) the enabling of any local authority in the event of any person failing to do anything required of him or her

under any by-law to do such act and to recover the expenses thereof from the person in default;

- (p) the mass of any goods which or the number of passengers who or animals which may be conveyed on a pedal cycle;
- (q) the regulation, restriction, prohibition or control of the parking upon public roads of vehicles owned, kept or used by dealers or which have been placed in their custody or under their control in the course of any dealer's business carried on by them; and
- (r) any other matter in regard to which a local authority may make by-laws under this Act.

(2) The power to make by-laws 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.

(3) Any by-law under subsection (1) may be made to apply generally throughout the area of the local authority or within any specified part thereof or to any specified category of vehicle or person.

(4) In so far as any by-law of a local authority, irrespective of whether it has been made under this Act or any other law, is incompatible with any regulation made under this Act, the regulation is in force.

(5) Any by-law made under this section may provide for penalties for a contravention thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty may exceed a fine or imprisonment for a period of six months.

[S. 80A inserted by s. 35 of Act 21 of 1999.]
[Date of commencement of s. 80A: to be proclaimed.]

81 Vehicle and load may be exempted from provisions of Act

An MEC may, subject to such conditions and upon payment of such fees or charges as he or she may determine, authorise in writing, either generally or specifically, the operation on a public road of a vehicle which does not comply with the provisions of this Act or the conveyance on a public road of passengers or any load otherwise than in accordance with the provisions of this Act.

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).

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 Minister for decision.

[NB: S. 83 has been amended by s. 36 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

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.

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.

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.

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.

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.

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 42 (1) or (2), 44 (1), 45 (2), 46 (1) or 65 (1), (2), (5) or (9) shall be liable to a fine or to imprisonment for a period not exceeding six years.

(3) Any person convicted of an offence in terms of subsection (1) read with section 17 (4), 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.

90 Apportionment of fines

Subject to sections 6 and 8 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act 11 of 1977), and section 341 (2) (b) of the Criminal Procedure Act, 1977 (Act 51 of 1977), all fines imposed or moneys estreated as bail in respect of any offence in terms of this Act shall be paid into the appropriate accounts as determined by the laws of each province.

[Date of commencement of s. 90: to be proclaimed.]

[NB: S. 90 has been repealed by s. 37 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation.]

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.

92 Provincial laws

Notwithstanding anything to the contrary in any other law contained, but subject to this Act-

(a)

[Para. (a) deleted by s. 38 of Act 21 of 1999.]

(b) the fees payable in respect of any application or request made, or document issued in terms of this Act, or any other matter referred to in this Act, shall be as provided by the laws of the province concerned.

93 Repeal of laws, and savings

(1) Subject to subsections (2) and (3), the laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(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) Any relevant provision of the Road Traffic Act, 1989 (Act 29 of 1989), shall, notwithstanding the provisions of subsection (1), remain in force until such time as the corresponding provision of this Act (if any) has been put into operation under section 94 (2).

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.

Schedule

[NB: The schedule has been amended by s. 39 of the National Road Traffic Amendment Act 21 of 1999, a provision which will be put into operation by proclamation. See PENDLEX.]

No. and year of law	Short title	Extent of repeal
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Act 9 of 1972	The National Road Safety Act, 1972	Sections 7A, 14 and 26
Act 29 of 1989	The Road Traffic Act, 1989	The whole
Act 71 of 1991	The Businesses Act, 1991	Schedule 3 in so far as it refers to the Road Traffic Act, 1989
Act 73 of 1991	The Road Traffic Amendment Act, 1991	The whole
Act 17 of 1992	The Road Traffic Amendment Act, 1992	The whole
Act 40 of 1992	The Road Traffic Second Amendment Act, 1992	The whole
Act 39 of 1993	The Road Traffic Amendment Act, 1993	The whole
Act 66 of 1993	The Road Traffic Second Amendment Act, 1993	The whole
Act 129 of 1993	The General Law Third Amendment Act, 1993	Section 72
Act 16 of 1995	The Transport General Amendment Act, 1995	Sections 12 to 26, inclusive

PENDLEX: National Road Traffic Act 93 of 1996 after amendment by the National Road Traffic Amendment Act 21 of 1999

Section 1- definitions

'**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;

'**Corporation**' means the Road Traffic Management Corporation, established by section 3 of the Road Traffic Management Corporation Act, 1999;

'**examiner for driving licences**' means an examiner for driving licences appointed and registered in terms of sections 3A and 3C, respectively;

'**examiner of vehicles**' means an examiner of vehicles appointed and registered in terms of sections 3A and 3C, respectively;

'**inspector of licences**' means an inspector of licences appointed and registered in terms of sections 3A and 3C, respectively;

'**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;

'**peace officer**' means a traffic officer and also a traffic warden appointed in terms of section 3A;

'**registering authority**' means a registering authority appointed as such in accordance with section 3;

'**Shareholders Committee**' means the Shareholders Committee established by section 6 of the Road Traffic Management Corporation Act, 1999;

'**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 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;

Section 5 (1)

Every manufacturer, builder or importer shall apply in the prescribed manner to the chief executive officer concerned for registration as a manufacturer, builder or importer.

Section 5 (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.

Section 5 (3)

The chief executive officer may, in the prescribed manner, alter the conditions referred to in subsection (2).

Section 5 (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 or importer.

Section 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 or importer or at the suspension or cancellation of his or her registration as a manufacturer, builder or importer 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.

Section 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.

Section 8A - Application for registration of driving licence testing centre

(1) Any person, 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.

Section 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*.

Section 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.

Section 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 to be carried out in terms of this Act.

Section 15 (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).

Section 16 (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.

Section 16 (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.

Section 21 - Directions to applicant for learner's or driving licence

Notwithstanding anything to the contrary contained in this Act, the chief executive officer may, whenever he or

she deems it necessary, direct where and by which examiner for driving licences an applicant for a learner's or driving licence shall be examined and tested, and at which driving licence testing centre such applicant may apply for a driving licence.

Section 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 concerned 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.

Section 27 (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 chief executive officer for the cancellation or amendment of such endorsement.

Section 27 (2) (b)

The chief executive officer 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).

Section 27 (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.

Section 27 (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 or, in the case where it is contained in an identity document, the Director-General of Home Affairs accordingly.

Section 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.

Section 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.

Section 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*

Section 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.

Section 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.

Section 45 (2)

The owner of a motor vehicle referred to in subsection (1) shall, in the prescribed manner-

- (a) upon the licensing of such motor vehicle in terms of Chapter II; or
- (b) within 21 days-
 - (i) after the conclusion or amendment of an agreement contemplated in subsection (1) (b); or
 - (ii) after the vehicle became a vehicle of a class contemplated in subsection (1) (a),

notify the prescribed registering authority which person (hereinafter in this section referred to as the designated person) is to be registered as the operator of such motor vehicle.

Section 45 (4)

Unless the owner of the motor vehicle concerned, at the time of the notification contemplated in subsection (2), is registered as the operator thereof, the registering authority may issue a temporary operator card to that owner in the manner and on the conditions prescribed.

Section 45 (5)

(a) The chief executive officer shall, if satisfied that the designated person should be registered as the operator, notify the registering authority concerned accordingly.

(b) The registering authority referred to in paragraph (a) shall in the prescribed manner register the designated person as the operator.

Section 46 (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.

Section 50 - Power of chief executive officer in respect of motor vehicles, drivers and activities of operators

(1) The chief executive officer 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 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 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 the 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); and
- (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 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.

Section 52 - Powers and functions of chief executive officer

(1) The chief executive officer 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 chief executive officer.

(2) In order to perform his or her functions properly the chief executive officer may-

- (a) publish a periodical to promote road safety in the Republic;
- (b) give guidance to associations or bodies working towards the promotion of road safety in the Republic;
- (c) organise national congresses, symposiums, summer schools and study weeks;
- (d) with a view to promoting road safety in the national sphere, publish advertisements in the mass-communication media.

(3) The chief executive officer shall exercise his or her powers and perform his or her functions subject to the control and directions of the Shareholders Committee.

Section 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 any person employed by the Corporation any power conferred upon him or her by section 52; or
- (b) authorise any person employed by the Corporation 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 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.

Section 57 (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.

Section 59 (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.

Section 75 (1) - words preceding para. (a)

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-

Section 77 (1) (g)

the chief executive officer;

Section 77 (3)

Any institution or person referred to in subsection (1) shall in the prescribed manner and at the prescribed intervals furnish the Shareholders Committee, or any person or body designated by the Shareholders Committee, with the prescribed information recorded in a register or record of such institution or person, and the chief executive officer shall from the information so furnished compile or cause to be compiled such register as he or she may deem fit.

Section 78 (2) (b)

any person authorised thereto by the Minister, the MEC concerned, the Shareholders Committee or the chief executive officer to demand such furnishing;

Section 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.

Section 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.

Section 90 - repealed

Schedule

No. and year of law	Short title	Extent of repeal
Act 9 of 1972	The National Road Safety Act, 1972	The whole
Act 29 of 1989	The Road Traffic Act, 1989	The whole

Act 71 of 1991	The Businesses Act, 1991	Schedule 3 in so far as it refers to the Road Traffic Act, 1989
Act 73 of 1991	The Road Traffic Amendment Act, 1991	The whole
Act 17 of 1992	The Road Traffic Amendment Act, 1992	The whole
Act 40 of 1992	The Road Traffic Second Amendment Act, 1992	The whole
Act 39 of 1993	The Road Traffic Amendment Act, 1993	The whole
Act 66 of 1993	The Road Traffic Second Amendment Act, 1993	The whole
Act 129 of 1993	The General Law Third Amendment Act, 1993	Section 72
Act 16 of 1995	The Transport General Amendment Act, 1995	Sections 12 to 26, inclusive

¹In terms of sub-s. (2A) (c) para. (zA) expired on 1 August 2001.

²In terms of sub-s. (2A) (c) sub-s. (2A) expired on 1 August 2001.