

**COMESA-EAC- SADC TRIPARTITE  
ROAD TRAFFIC  
MODEL LAW**

Version 2 Draft 1

2018-10-09

# ROAD TRAFFIC BILL

*(As introduced in the [Enter Country Specific Reference Here].)*

(MINISTER OF *[Enter Country Specific Reference Here]*)

[B Enter bill number here. – Enter year here.]

# ACT

*(Signed by the President)*

**To provide for the establishment of registering authorities; the appointment, registration and grading of authorised officers, driver quality by registering and grading of driving testing centres, appointment of an inspectorate of driving centres, the registration of driving schools, the physical fitness of drivers, the revocation of learners and driving licences, duties of drivers, the registration and licencing of motor vehicles, the quality of vehicles by registering and grading of vehicle testing stations, fitness of vehicles, equipment on vehicles, rules of the road, transitional arrangements and the repeal of certain laws, including the *[insert reference to the country's existing Road Traffic Act]* (Click here to enter more text); and to provide for matters connected therewith.**

**To be finalised on finalisation of Bill.**

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BE IT ENACTED by the Parliament of Click here to enter text. as follows:

## CHAPTER I: DEFINITIONS

### 1 Definitions

In this Act, unless the context otherwise indicates-

“**approved**” means approved by the Minister;

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

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

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

“**breakdown vehicle**” means a motor vehicle designed or adapted solely or principally for the purpose of recovering or salvaging motor vehicles and which is registered as a breakdown vehicle;

“**bus**” means a motor vehicle designed or adapted for the conveyance of more than 16 persons (including the driver, if any);

“**bus-train**” means a bus which -

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

“**certificate of fitness**”, in relation to a motor vehicle, means a certificate stating that the motor vehicle to which it relates has been tested in terms of this Act and has been found to be in a roadworthy;

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



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

“**emergency brake**” means a brake, excluding a service brake, which can stop a vehicle;

“**front end**”, in relation to -

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

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

“**Gazette**” means the [*insert reference to the country’s official gazette*]

“**goods vehicle**” means a motor vehicle excluding a motorcycle, motor car, minibus or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, adaptor dolly, converter dolly and breakdown vehicle;

“**haulage tractor**” means a motor vehicle, designed or adapted mainly for drawing other vehicles, and with a gross combination mass exceeding 24 000 kg, but does not include a truck-tractor or tractor;

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

“**minibus**” means a motor vehicle designed or adapted solely or principally for the conveyance of more than eight passengers in addition to the driver, but not more than 15 passengers in addition to the driver;

“**Minister**” means the Minister responsible for Transport;

“**motor car**” means a motor vehicle, excluding a motorcycle, designed or adapted solely or principally for the conveyance of not more than eight passengers, in addition to the driver;

“**motor cycle**” means a motor vehicle which has two wheels and includes -

- (a) any such vehicle having a side-car attached;
- (b) a motor tricycle; and
- (c) a motor quadrucycle;

“**motor home**” means a vehicle designed or adapted to provide sleeping and living accommodation;

“**motor quadrucycle**” means a motor vehicle, excluding a tractor, which has four wheels or more and which is designed to be steered by the type of controls usually fitted to a motorcycle;

“**motor tricycle**” means a motor vehicle, excluding a motorcycle, motor quadrucycle or a tractor, which has three wheels and which is designed to be steered by the type of controls usually fitted to a motorcycle;

“**motor vehicle**” means any self-propelled vehicle and includes-

- (d) a trailer;
- (e) a vehicle the tare of which exceeds 30 kilograms and having pedals and an engine or an electric motor as an integral part thereof or attached thereto and that can be propelled by means of such pedals, engine or motor or both such pedals and engine or motor, but does not include-
  - (i) a pedestrian controlled vehicle propelled by electrical power derived from storage batteries;
  - (ii) a vehicle the tare of which is less than 230 kilograms, and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from a physical defect or disability and is used solely by such person;

“**National Transport Information System**” means the electronic information system or systems used, including-

- (a) an operator registration system to record details of operators, their registration and grading status, their depots, details of drivers and their professional status, and details of the vehicles used, as well as to record details of responsible competent persons and their registration status;
- (b) a transgression system to record details of the transgression records and demerit points relating to operators, responsible competent persons and drivers together with details of the vehicles involved;

- (c) a vehicle system incorporating the register of motor vehicles to record details of vehicles, the title and ownership of vehicles, the compulsory licence fees or road taxes, roadworthiness testing and 3rd Party Insurance; and
- (d) a driver system incorporating the register of drivers to record details of drivers, the compulsory training, learner testing, driver testing and professional driver testing, together with the authorised categories;

**“operate on a public road”** 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 a vehicle or to permit a vehicle to be on a public road;

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

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

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

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

**“overall width”**, in relation to a vehicle, means the width measured between two planes parallel to the longitudinal centre-line of the vehicle and passing through the extreme projecting points on either side of that vehicle, excluding any side mirror or direction indicator;

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

**“owner”** means the person registered as the owner of a vehicle;

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

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

**“person”** includes an incorporated entity or a partnership;

**“prescribed”** means prescribed by regulation;

**“public road”** means any road, street or thoroughfare or any other place 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, culvert, causeway, ferry, ford or drift traversed by any such road, street or thoroughfare;
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

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

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

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

**“register of motor vehicles”** means a register of all motor vehicles registered [*insert country*] as contained in the National Transport Information System;

**“retro-reflector”** means a reflector in which luminous flux is returned in directions close to the direction from which it came, this property being maintained even over wide variations of the direction of the luminous flux;

**“roadworthy”** in relation to a motor vehicle means that the motor vehicle is fit for use on a public road;

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

**“semi-trailer”** means a trailer having no front axle and so designed that at least 15 percent of its tare is super-imposed on and borne by a vehicle drawing that trailer;

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

- (a) a single braking system which brakes the front and rear wheels of the vehicle simultaneously or, in the case of -
  - (i) a semi-trailer, brakes the wheels thereof simultaneously;
  - (ii) a trailer, which is not a semi-trailer, brakes the front or rear wheels or all wheels thereof simultaneously; or
  - (iii) a tractor, brakes the wheels of the rear axle or rear axle unit of the tractor simultaneously; or

- (b) two braking systems which -
  - (i) jointly brake the front and rear wheels of the vehicle simultaneously; and
  - (ii) independently brake at least two wheels of the vehicle simultaneously;

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

“**the Act**” means the Road Traffic Act, .....

“**this Act**” includes any regulation or guideline issued in terms of the Act

“**tractor**” means a motor vehicle designed or adapted solely or principally for drawing other vehicles and not to carry any load thereon, but does not include a truck-tractor;

“**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,
- (c) but does not include a tractor or a haulage tractor;

“**vehicle**” means a device designed or adapted principally to travel on wheels and includes a semi-trailer, a truck-tractor and a haulage tractor;

“**wheel-base**” means-

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

longitudinal centre-line of the vehicle passing through the centre-line of the front axle or front axle unit and the centre-line of the rear axle or rear axle unit, as the case may be.

To be finalised on finalisation of Bill.

## CHAPTER II: REGISTERING AUTHORITIES

### 2 Appointment of registering authorities

(1) The Minister [*or Insert authority administering the Act*] must by mutual agreement, appoint any person, or any government institution on such conditions as the Minister [*or Insert authority administering the Act*] may determine to act as a registering authority.

(2) The Minister [*or Insert authority administering the Act*] must ensure that in the case where one registering authority is being appointed, that registering authority has sufficient offices to reasonably provide access to all persons in the country. The Minister [*or Insert authority administering the Act*] may appoint different persons or government institutions to act as a registering authority, in which case the Minister must ensure that the registering authorities are evenly spaced throughout the country to provide reasonable access to all persons in the country.

(3) The functions given to a registering authority by this Act must be performed on behalf of the registering authority by such persons as may be authorised thereto by the registering authority.

(4) A registering authority is responsible for the registration and licensing of motor vehicles in accordance with the provisions of this Act and must perform such other functions as may be assigned to registering authorities by the Minister [*or Insert authority administering the Act*] by notice in the Gazette.

## CHAPTER III: OFFICERS

### 3 Appointment of officers

(1) For the purposes of this Act, the Minister [*or Insert authority administering the Act*] or a person or government institution may, appoint -

- (a) licence inspectors;
- (b) driving examiners;
- (c) vehicle examiners;
- (d) traffic officers;
- (e) reserve traffic officers;
- (f) traffic wardens;
- (g) transport inspectors;
- (h) registration officers;

### 4 Registration and grading of authorised officers

(1) The [*or Insert authority administering the Act*] may by regulation provide for the registration and grading of authorised officers or any specified category of authorised officers for the purposes of this Act.

(2) The [*or Insert authority administering the Act*] may in regulations contemplated in subsection (1) provide for -

- (a) the designation of a person or authority to be charged with the function of effecting the registration and grading of authorised officers;
- (b) the powers and duties of a person or authority so designated;
- (c) the procedure to be followed by applicants to obtain such registration or grading;
- (d) the minimum requirements to be complied with by applicants to obtain such registration or grading and the circumstances in which a person is disqualified from being so registered and graded;
- (e) the exemption of persons or any category of persons from the



requirement to be so registered and graded;

- (f) the suspension or revocation of the registration or grading of any authorised officer;
- (g) the noting of and adjudication of appeals against decisions in relation to applications for registration or grading or any suspension or revocation of such registration or grading; and
- (h) any other matter which the may consider necessary or expedient in connection with the registration or grading of authorised officers.

## **5 Powers, duties and functions of licence inspectors**

(1) In addition to any other powers, duties and functions as may be conferred or imposed on a licence inspector by or under this Act, a licence inspector may-

- (a) by notice in writing, direct the owner, operator, driver or person in charge of any vehicle which in his or her opinion does not comply with the requirements prescribed for a roadworthy certificate by or under this Act or any other law, to present such vehicle for examination at a vehicle testing station for the particular class of vehicle at a time and place specified in the notice;
- (b) demand from the owner, operator or driver of any motor vehicle to produce any document which he or she is required to hold in respect of that motor vehicle in terms of this Act or any similar document issued by a competent authority outside [*insert country reference*];
- (c) require from any person acting as a driving instructor to produce his or her driving instructor's certificate -
  - (i) immediately, if he or she is at the time of the request engaged in teaching another person in the driving of a motor vehicle; or
  - (ii) in any other case, within seven days to such person and at such place as may be indicated by the licence inspector;
- (d) require a driving school to produce its registration certificate within three days from date of such request;
- (e) examine any motor vehicle in order to verify whether it is in fact the motor vehicle in respect of which any document referred to in

paragraph (b) was issued;

- (f) subject to subsection (2), impound any document referred to in paragraph (a) which he or she suspects of being invalid or to have been unlawfully altered or defaced or of being used unlawfully;
- (g) require of the owner, operator, 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;
- (h) demand from any person driving or who has been driving a motor vehicle immediately to produce a licence authorising him or her to drive such motor vehicle;
- (i) subject to subsection (2), 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 of or failure to comply with any provision of this Act;
- (j) require of any person to furnish particulars of his or her identification and address where such person is believed to be able to furnish information in relation to the identification of the owner, operator or driver of a particular vehicle at a particular time or during any period;
- (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 under this Act, enter any premises on which he or she has reason to believe that any vehicle is kept.

(2) A licence inspector who, in the exercise of the power conferred by subsection (1)(e) or (1)(i), impounds any document or licence, must issue a receipt therefor to the person from whom it is impounded at the time and place of the impoundment.

## **6 Powers and duties of driving examiner**

(1) A driving examiner must test an applicant for a learner's or a driving licence or a professional driving permit in the matters as prescribed to determine whether the applicant is competent to obtain a learner's or a driving licence or a professional driving permit for the class of vehicle for which he or she applied.

(2) A driving examiner may not test an applicant for a driving licence in terms of

this Act unless the examiner is licensed to drive a vehicle of the class for which the applicant applies to obtain a driving licence or of the class prescribed.

## **7 Powers, duties and functions of traffic officers**

(1) In addition to any other powers, duties and functions as may be conferred or imposed on a traffic officer by or under this Act, a traffic officer may, subject to the provisions of this Act -

- (a) exercise or perform any of the functions assigned to a licence inspector by section 5;
- (b) when in uniform, require the driver of any vehicle to stop such vehicle;
- (c) inspect or test, or cause to be inspected or 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 such vehicle or the functioning thereof and the equipment comply with the provisions of this Act, but an officer or person carrying out such an inspection or test on a vehicle –
  - (i) may not dismantle the mechanism or any working part of the vehicle, unless he or she is a qualified motor mechanic or holds an appointment also as a vehicle examiner; and
  - (ii) must, if he or she has dismantled a vehicle, reassemble the dismantled mechanism or part unless the person in charge of the vehicle requests otherwise;
- (d) drive any vehicle which is being examined by him or her or for the purpose of performing any other duty in relation to such vehicle under this Act, provided he or she is licensed to drive a motor vehicle of the particular class;
- (e) if it appears to such officer that the driver or a person apparently in charge of a vehicle is incapable for the time being of driving or being in charge of such vehicle by reason of his or her physical or mental condition, temporarily forbid such person to continue to drive or be in charge of such vehicle and make such arrangements for the safe disposal or placement of the vehicle as in his or her opinion may be

necessary or desirable in the circumstances;

- (f) regulate and control traffic on any public road, and give such directions as, in his or her opinion, may be necessary for the safe and efficient regulation of such traffic and, where he or she is of the opinion that the driver of a motor vehicle is impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road or to follow a different route with the vehicle;
- (g) require of any person whom such officer reasonably suspects of having committed an offence under this Act or of being able to give evidence in regard to the commission or suspected commission of such an offence, to furnish his or her name and address and give any other particulars which are required for his or \*
- (h) her identification or any process;
- (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) subject to subsection (2), impound any document produced to him or her in terms of paragraph (h) which in his or her opinion may afford evidence of a contravention of or failure to comply with any provision of this Act;
- (k) inspect any motor vehicle or part thereof and impound any document issued in connection with the registration and licensing of such motor vehicle where it is found that the engine number or chassis number of such motor vehicle differs from the engine number or chassis number as specified on the document, and may direct that such motor vehicle be taken immediately to the nearest police station specified by such traffic officer for police clearance, and may notify the owner of the motor vehicle that such vehicle must be re-registered;
- (l) require of the driver of any vehicle or any person occupying the driver's seat of a motor vehicle of which the engine is running -
  - (i) to provide, at any place which the traffic officer may specify, a specimen of breath in accordance with the directions of such officer;

- (ii) to submit to the taking of a specimen of his or her blood by a medical practitioner or a registered nurse and, for that purpose, to proceed, by such means and with such person as may be indicated by the officer, to a place designated by the officer;
- (m) require of the driver or person in charge of a motor vehicle which bears a licence mark or any other identification mark indicating that it is a motor vehicle which belongs to or is under the control of the Government of the [*insert country specific reference*] or which is reasonably believed to be a motor vehicle belonging to or under the control of the Government, immediately -
  - (i) to produce a document issued by a competent authority in the Public Service which authorises such driver or person to use the motor vehicle at that point of time; and
  - (ii) to furnish such information as may reasonably be required to ascertain whether the vehicle is being used for the purpose for which such authorization was given and whether any passengers on such vehicle are authorised to be conveyed by such vehicle.
- (2) A traffic officer who, in the exercise of the power conferred -
  - (a) by section 5(1)(e) or 5(1)(h) by virtue of the provisions of subsection (1)(a) of this section, impounds any document or licence from any person, must issue a receipt therefor to that person at the time and place of the impoundment;
  - (b) by subsection (1)(k) must where a police clearance as contemplated in that subsection is obtained, return the impounded document to the person who is entitled thereto.

## **8 Reserve traffic officer**

(1) A person who has been appointed as a reserve traffic officer may perform the functions assigned to a traffic officer in terms of this Act.

(2) Notwithstanding subsection (1), the Minister, person or government institution who has appointed a reserve traffic officer, may limit the function of that reserve

traffic officer.

## **9 Traffic wardens**

A traffic warden may-

- (a) perform point duty directing traffic;
- (b) check payment for parking where such payment is required;
- (c) perform any other function for which he or she is qualified and which the Minister, person or government institution that has appointed him or her, requires of him or her.

## CHAPTER IV: DRIVER QUALITY

### PART I: DRIVING TESTING CENTRES

#### **10 Registration and grading of driving testing centres**

(1) Where the Minister [*or Insert authority administering the Act*] is satisfied that a person complies with the requirements prescribed for the registration of a driving testing centre, the Minister [*or Insert authority administering the Act*] may, by agreement with such person, appoint him or her to operate a driving testing centre.

(2) Where an agreement is entered into in terms of subsection (1) the Minister or [*Insert authority administering the Act*] must-

- (a) on such conditions as the Minister may determine, register and grade the establishment of the person concerned as a driving testing centre in the prescribed manner; and
- (b) cause particulars of that registration and grading to be notified in the Gazette; and
- (c) update the National Transport Information system accordingly

#### **11 Suspension or cancellation of registration of driving testing centres**

(1) If the prescribed requirements referred to in section seven are no longer complied with in relation to a driving testing centre, the Minister [*or Insert authority administering the Act*] may, in accordance with the prescribed procedure, cancel the registration of that driving testing centre or suspend its registration for such period and on such conditions as the Minister [*or Insert authority administering the Act*] may prescribe.

(2) The Minister [*or Insert authority administering the Act*] must cause of every cancellation or suspension of the registration of a driving testing centre under subsection (1) to be notified in the Gazette and update the National Transport Information System accordingly

#### **12 Inspectorate of national driving licence testing centres**

(1) The Minister must appoint a national inspectorate of driving licence testing centres.

(2) The powers and duties of the inspectorate appointed in subsection (1) in relation to the inspection and control of standards, grading and operation of driving licence

testing centres are as prescribed.

(3) To defray the expenditure incurred by or on behalf of that inspectorate for the purposes of performing its functions, the Minister [*or Insert authority administering the Act*] may prescribe fees to be paid in respect of inspections carried out in terms of this Act.

## PART II: REGISTRATION AND GRADING OF DRIVING SCHOOLS AND DRIVING INSTRUCTORS

### INSTRUCTORS

#### **13 Driving Instructor to be registered**

(1) A person may not act as a driving instructor unless he or she is registered in terms of this Chapter.

(2) A person may not 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 this Chapter.

#### **14 Application for registration as driving instructor**

Any person desiring to be registered as an instructor must in the prescribed manner apply to the [*Insert authority administering the Act*] to be registered as such.

#### **15 Registration and grading of instructors**

- (1) A person may not be registered as a driving instructor unless he or she—
- (a) has passed the prescribed examination; and
  - (b) 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) may only be registered as a driving instructor in respect of a class of motor vehicle which he or she is licensed to drive.

(3) The Minister [*or Insert authority administering the Act*], if satisfied that an applicant referred for registration as a driving instructor complies with subsections (1) and (2), must register and grade that person in the prescribed manner.



## **16 Suspension and cancellation of registration of instructor**

The Minister [*or Insert authority administering the Act*] may in the prescribed manner, suspend or cancel the registration of a driving instructor if that instructor –

- (a) 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 Inspectorate of Driving Testing Centres.

## **DRIVING SCHOOLS**

### **17 Driving School to be registered**

Any person or body of persons wanting to operate a driving school to train learner drivers, drivers or professional drivers, must register as such in the prescribed manner.

### **18 Requirements for registration as a Driving School**

The Minister [*or Insert authority administering the Act*] must prescribe the minimum requirements for registration of a driving school, including –

- (a) practical training requirements in relation to the premises, training equipment and training vehicles of the driving school;
- (b) requirements relating to the theoretical training of learner drivers, drivers and professional drivers;
- (c) operational requirements, including employment of appropriately registered and graded driver instructors and the equipment required to record trainees and the training provided to them on the National Transport Information System.

### **19 Driver Training Curricula**

The Minister [*or Insert authority administering the Act*] must approve a driver training manual and training material in accordance with which a driving school must train learner drivers, drivers or professional drivers in theoretical and practical driving matters.

## **20 Certificate of training**

(1) A driving school must on completion by a learner driver, driver or professional driver of the courses presented by the driving school, issue that person with a certificate verifying that the learner driver, driver or professional driver has completed those courses successfully.

(2) A driving school may not withhold a certificate referred to in subsection (1) unreasonably.

## **PART III: LICENCING OF DRIVERS**

### **21 Driver of motor vehicles to be licensed**

(1) A person may not 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 in terms of this Chapter; and
- (b) unless he keeps that licence with him in the vehicle.

(2) It is a transgression for a person to drive on a public road a motor vehicle of any class of he or she is not a holder of a licence authorising him to drive a motor vehicle of that class.

(3) It is a transgression for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.

### **22 Issue of licence authorising driving a motor vehicle**

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

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

and, except as otherwise prescribed in this Chapter, a person may not be examined or tested for the purpose of issuing to him –

- (d) a driving licence unless he or she is the holder of a learner's licence and he or she is in possession of a driver training certificate issued

by a registered Driving School, and

- (e) a professional driving permit he or she is the holder of a driving licence and he or she is in possession of a professional driver training certificate issued by a registered Driving School.

## **23 Certificate of Training**

Any person who applies to be tested for a driving licence, must successfully undergo the prescribed driver training at a registered driving school before he or she may so apply.

## **PART IV: PHYSICAL FITNESS OF DRIVERS –**

### **24 Requirement as to physical fitness of drivers**

(1) An application for the grant of a licence must include a declaration by the application, stating whether he or she is suffering or has at any time (or, if a period is prescribed for the purposes of this subsection, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part of this Act –

“**disability**” includes disease,

“**relevant disability**” in relation to any person means—

- (a) any prescribed disability, and
- (b) any other disability likely to cause the driving of a motor vehicle by him or her to be a source of danger to the public, and

“**prospective disability**” in relation to any person means any other disability which—

- (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
- (b) by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time.

(3) If it appears from the applicant’s declaration, or if on inquiry the Driving Testing Centre is satisfied from other information, that the applicant is suffering from a relevant disability, the driving testing centre must, subject to the following provisions of this section,

refuse to grant the licence.

(4) The Driving Testing Centre may not by virtue of subsection (3) refuse to grant a licence -

- (a) on account of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant has at any time passed a relevant test and it is certified by a medical practitioner that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the driving testing centre at that time;
- (b) because of any relevant disability which is prescribed for the purposes of this paragraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled;
- (c) because of any relevant disability which is prescribed for the purposes of this paragraph, if the application is for a provisional licence.

(5) Where because of a test of competence to drive, the Driving Testing Centre concerned is satisfied that the person who took the test is suffering from a disability such that there is likely to be a danger to the public—

- (a) if he or she drives any vehicle; or
- (b) if he or she drives a vehicle other than a vehicle of a particular construction or design,

the driving testing centre must serve notice in writing to that effect on that person and must include in the notice a description of the disability.

(6) Where a notice is served in pursuance of subsection (5)(a), then -

- (a) if the disability is not prescribed under subsection (2) it is deemed to be so prescribed in relation to the person who took the test, and
- (b) if the disability is prescribed for the purposes of subsection (4)(c) above it is deemed not to be so prescribed in relation to him.

(7) Where a notice is served in pursuance of subsection (5)(b), any licence granted to the person who took the test shall be limited to vehicles of the particular construction or design specified in the notice.

(8) In this section “**relevant test**”, in relation to an application for a licence,

means any such test of competence as is mentioned in this Act or a test as to fitness or, a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

**25 Revocation of licence because of disability of prospective disability.**

- (1) If the Driving Testing Centre is at any time satisfied on inquiry -
  - (a) that a licence holder is suffering from a relevant disability, and
  - (b) that the driving testing centre would be required by virtue of section 24(3) or 24(5) of this Act to refuse an application for the licence made by him at that time,

the Driving Testing Centre may serve notice on the licence holder revoking that licence with effect from the date as may be specified in the notice, not being earlier than the date of service of the notice.

- (2) If the Driving Testing Centre is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, it may -

- (a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and
- (b) on receipt of the licence so revoked and of an application made for the purposes of this subsection, grant to the licence holder, free of charge, a new licence for a period determined by it.

- (3) A person whose licence is revoked under subsection (1) or (2) must deliver up the licence to the Driving Testing Centre within fourteen days of receipt of the revocation notice from the Authority.

- (4) Where a person whose licence is revoked under subsection (1) or (2)-
  - (a) is not in possession of his or her licence in consequence of the fact that he has surrendered it following any procedure in terms of the Road Traffic and Transport Transgressions Act; but
  - (b) delivers it to the Driving Testing Centre immediately on its return,

he or she is not in breach of the duty under subsection (3).

**26 Provision of information relating to disabilities**

(1) Where, at any time during the period for which his or her licence remains in force, a licence holder becomes aware-

- (a) that he or she is suffering from a relevant or prospective disability which he or she has not previously disclosed to the Authority, or
- (b) that a relevant or prospective disability from which he has at any time suffered, and which has been previously so disclosed, has become more acute since the licence was granted, the licence holder must immediately notify the Driving Testing Centre in writing of the nature and extent of his or her disability.

(2) A person who fails without reasonable excuse to notify the Driving Testing Centre as required by subsection (1) is guilty of a transgression.

(3) If the Driving Testing Centre has reasonable grounds for believing that a person who is an applicant for, or the holder of, a licence may be suffering from a relevant or prospective disability, subsection (4) applies for the purpose of enabling the Driving Testing Centre to satisfy itself himself or herself whether or not that is the case.

(4) The Driving Testing Centre may by notice served on the applicant or holder of a driving licence -

- (a) require him or her to provide the Driving Testing Centre, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in subsection (5); or
- (b) require him or her, as soon as practicable, to arrange to submit himself for examination by such registered medical practitioner or practitioners as may be nominated by the Driving Testing Centre
- (c) The authorisation referred to in paragraph (a) must—
  - (i) be in such form and contain such particulars as may be specified in the notice by which it is required to be provided; and
  - (ii) authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Driving Testing Centre any information which he or she may have, or which may be available to him or her, with respect to the question whether, and if so to what extent,

the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.

(5) If it considers it appropriate to do so in the case of any applicant or licence holder, the Driving Testing Centre –

- (a) may include in a single notice under subsection (4) requirements under more than one paragraph of that subsection, and
- (b) may at any time after the service of a notice under that subsection serve a further notice or notices under that subsection.

(6) The Driving Testing Centre must defray any fees or other reasonable expenses of a registered medical practitioner in connection with -

- (a) the provision of information in pursuance of an authorisation required to be provided under subsection (4)(a); or
- (b) any examination which a person is required to undergo as mentioned in subsection (4)(b).

## **27 Driving with uncorrected defective eyesight**

(1) If a person drives a motor vehicle on a road while his or her eyesight is such, whether through a defect which cannot be corrected or one which is insufficiently corrected, that he or she cannot comply with any requirement as to eyesight prescribed under this Act for the purposes of tests of competence to drive, he is guilty of a transgression.

(2) A traffic officer, driving instructor or driving examiner having reason to suspect that a person driving a motor vehicle may be guilty of a transgression under subsection (1) may require him or her to submit to a test for the purpose of ascertaining whether, using no other means of correction than he or she used at the time of driving, he or she can comply with the requirement concerned.

(3) If that person refuses to submit to the test he or she is guilty of a transgression.

## **PART V: REVOCATION OF LICENCE**

### **28 Form and period of validity of licences and permits**

(1) A licence or permit must be issued in the prescribed format.

- (2) Any licence or permit is valid for a period as prescribed.

## **29 Revocation of Licence**

Where it appears to a Driving Testing Centre -

- (a) that a licence granted by it to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it; or
- (b) that the particulars specified in a licence granted by it to any person do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment;
- (c) the driving testing centre may serve notice on that person revoking the licence and requiring him to surrender the licence forthwith to the Authority.

## **30 Disqualification from obtaining or holding a learner's or driving licence**

A person is disqualified from obtaining or holding a learner's or driving licence –

- (a) if he or she is under the age specified in section 31;
- (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 in terms of the Road Traffic and Transport Transgressions Act, while that suspension remains in force;
- (d) 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;
- (e) if he or she is suffering from one of the disabilities or prospective disabilities prescribed in terms of PART IV: of this Act.
- (f) if he or she is addicted to the use of any drug as prescribed or the



excessive use of intoxicating liquor; or

- (g) in such other circumstance as may be prescribed either generally or in respect of a class of learner's or driving licence.

### **31 Disqualification of persons under age**

A person is disqualified for holding or obtaining a licence to drive a motor vehicle of a specified class, if he is under the age specified in relation as prescribed.

### **32 Disqualification to prevent duplication of licences.**

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

### **33 Obtaining licence, or driving, while disqualified.**

- (1) If a person who is disqualified for holding or obtaining a licence -
  - (a) obtains a licence while he or she is so disqualified; or
  - (b) while he or she is so disqualified drives on a public road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a class, a motor vehicle of that class,

he or she is guilty of a transgression.

- (2) A licence obtained by any person who is disqualified is void.

- (3) A traffic officer may arrest without warrant any person driving or attempting to drive a motor vehicle on a public road whom he has reasonable cause to suspect of being disqualified.

## **PART VI: PROFESSIONAL DRIVING PERMIT**

### **34 Professional driver to have permit**

- (1) A person may not drive a motor vehicle of a prescribed class on a public road except in accordance with the conditions of a professional driving permit issued in accordance with this Chapter and unless he or she keeps that permit with him or her in the vehicle: Provided

that this subsection does not apply to the holder of learner's licence which drives such vehicle while he or she is accompanied by a person registered as a professional driver in respect of that class of vehicle.

- (2) The Minister must make regulations to prescribe -
  - (a) categories of professional driving permits;
  - (b) the nature and extent of the authority granted by the professional driving permits;
  - (c) the period of validity of the professional driving permits;
  - (d) the form and content of the professional driving permits;
  - (e) the application for and issue of professional driving permits;
  - (f) the suspension and cancellation of professional driving permits;
  - (g) the incorporation in any other document or professional driving permits; and
  - (h) other necessary or expedient matters in relation to professional driving permits.

Any document issued by a competent authority in any Tripartite Member State and serving in that State a purpose similar to that of a professional driving permit is, subject to the conditions thereof and to such conditions as may be prescribed, deemed to be a professional driving permit for the purposes of subsection

## PART VII: DUTIES OF DRIVERS

### **35 Duty of driver in the 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 must -

- (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 name and address, the name and address of the owner of the vehicle driven by him 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 driving licence and furnish his 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) A person may not 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) a person may not 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 for a contravention of any provision of this section it is presumed, in the absence of evidence to the contrary, that the accused knew the accident had occurred, and that he or she did not report the accident or furnish the information as required by subsection (1)(f).

### **36 Reckless or negligent driving**

(1) A person may not 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 is deemed to drive that vehicle recklessly.

(3) In considering whether subsection (1) has been contravened, the court, tribunal or adjudicator appointed in terms of the Road Transport and Traffic Transgressions Act must have regard to all the circumstances of the case, including, but without derogating from the generality of subsections (1) or (2), the nature, condition and use of the public road on which the contravention is alleged to have been committed, the volume 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.

### **37 Driving while under the influence of intoxicating liquor or a prescribed drug**

(1) A person may not 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 body is more than 0,05 grams per 100 millilitres, or in the case of a professional driver referred to in section 36 not less than 0,02 grams per 100 millilitres. <sup>1</sup>

(2) A person may not 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. <sup>2</sup>

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<sup>1</sup> Presumptions relating to blood and breath specimens are addressed in the Road Traffic and Transport Transgressions Model Law

<sup>2</sup> The prescribing testing of drugs will be discussed during the discussion of the Road Traffic and Transport Transgressions Model Law and should a decision to include this be taken, this section will be expanded on.

- (3) A person may not 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 a prescribed drug in his or her blood or urine exceeds the permitted level.

Specified 'illegal' Drug

<b>(accidental exposure - zero tolerance approach)</b>	<b>Limit in Blood</b>
benzoylecgonine	50µg/L
cocaine	10µg/L
delta-9-tetrahydrocannabinol (cannabis)	2µg/L
ketamine	20µg/L
lysergic acid diethylamide (LSD)	1µg/L
methylamphetamine (crystal meth)	10µg/L
MDMA (ecstasy)	10µg/L
6-monoacetylmorphine (heroin)	5µg/L

**38 Vehicle to be driven on left [*right for countries where applicable*] side of roadway**

(1) Any person driving a vehicle on a public road must do so by driving on the left [right] side of the roadway and, where the roadway is of sufficient width, in such a manner as not to encroach on that half of the roadway to his or her right, but such encroachment is permissible -

- (a) where it can be done without obstructing or endangering other traffic or property which is or may be on that half and for a period and distance not longer than is necessary and prudent and provided that it is not prohibited by a road traffic sign; or
- (b) in compliance with a direction of a traffic officer or a road traffic sign.

(2) Subregulation (1) does not apply in the case of a public road that is restricted to traffic moving thereon in one direction only.

### **39 Driving on divided public road**

(1) Whenever any public road is divided into two or more roadways by means of an intervening space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, no person may drive a vehicle on that public road except on the left-hand roadway, unless directed or permitted by an appropriate road traffic sign or a traffic officer to use another roadway.

(2) A person may not drive a vehicle on, over, across or within any intervening space, barrier or section referred to in subsection (1) except through an opening in such space, barrier or section or at a cross-over or intersection, but no person may so drive through any such opening or at any such cross-over or intersection where it is prohibited by an appropriate road traffic sign or by a traffic officer.

(3) Subsection (1) does not apply to a traffic officer in the performance of his or her duties.

### **40 Passing of vehicle**

(1) Subject to subsections (3) and (5) the driver of a vehicle intending to pass any other vehicle travelling in the same direction on a public road must pass to the right [*left for countries where applicable*] thereof at a safe distance and may not again drive on the left [*right for countries where applicable*] side of the roadway until safely clear of the vehicle so passed.

(2) Notwithstanding subsection 39(1) but in the circumstances as aforesaid, passing on the left [*right for countries where applicable*] of the other vehicle is permissible if the person driving the passing vehicle can do so with safety to himself or herself and other traffic or property which is or may be on the road, and -

- (a) the vehicle being passed is turning to its right or the driver thereof has signalled his or her intention of turning to his or her right;
- (b) the road is a public road in an urban area and -
  - (i) is restricted to vehicles moving in one direction; and
  - (ii) the roadway is of sufficient width for two or more lines of moving vehicles;
- (c) the road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;

- (d) the roadway of the road is restricted to vehicles moving in one direction and is divided into traffic lanes by appropriate road traffic signs; or
- (e) he or she is driving in compliance with the directions of a traffic officer or is driving in traffic which is under the general direction of a traffic officer, and in accordance with such direction,

but passing referred to in paragraph (a) to (d) be done by driving on the shoulders of the roadway or on the verge of the public road.

(3) The driver of a vehicle may not pass other traffic travelling in the same direction on a public road when approaching -

- (a) the summit of a rise;
- (b) a curve; or
- (c) any other place,

where his or her view is so restricted that any such passing could create a hazard in relation to other traffic which might approach from the opposite direction, unless -

- (i) he or she can do so without encroaching on the right-hand [left-hand for countries where applicable] side of the roadway; or
- (ii) the roadway of the road is restricted to vehicles moving in one direction.

(4) The driver of a vehicle on a public road must, except in the circumstances where passing on the left of a vehicle is allowed under subsection (1) on becoming aware of other traffic travelling in the same direction and wishing to pass his or her vehicle, drive his or her vehicle as near to the left edge of the roadway as is possible, without endangering himself or herself or other traffic or property on the roadway, and may not accelerate the speed of his or her vehicle until the other vehicle has passed.

(5) When about to pass oncoming traffic, the driver of a vehicle on a public road must ensure that the vehicle driven by him or her does not encroach on the roadway to his or her right in such a manner as may obstruct or endanger oncoming traffic.

(6) The driver of a vehicle intending to pass a stationary bus on a public road must do so with due care for the safety of persons who are approaching or leaving or may approach or leave the bus.

#### **41 Prohibition on driving on shoulder of public road**

A person may not drive a motor vehicle on the shoulder of a public road.

#### **42 Crossing or entering public road or traffic lane**

(1) The driver of a vehicle may not cross a public road unless the road is clear of moving traffic for a sufficient distance to allow him or her to cross the road without obstructing or endangering any such traffic.

(2) The driver of a vehicle may not enter a public road unless he or she can do so without endangering himself, herself or other traffic.

(3) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs may not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.

#### **43 Driving signals**

The driver of a vehicle on a public road who intends to stop the vehicle or suddenly reduce the speed thereof, or to turn the vehicle to the left or to the right, or to move the vehicle to the left or right on the roadway, must give a conspicuous signal, in the manner prescribed in this Chapter, of his or her intention, visible to any person approaching the vehicle from the front, rear or side, and of a duration sufficient to warn that person of his or her intention.

#### **44 Right of way at certain road junctions**

The driver of a vehicle on a public road must, when he or she intends entering any portion of a public road which constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within the junction, yield the right of way to all vehicular traffic approaching from his or her right [left for countries where applicable] within that junction, unless his or her entry into that junction is controlled by an instruction given by a traffic officer or a direction conveyed by a road traffic sign requiring him or her to act differently.

#### **45 Procedure when turning**

(1) The driver of a vehicle on a public road who desires to turn to the left [right for countries where applicable] must, having due regard to section 46 before reaching the point at which he or she intends to turn, indicate, in the manner prescribed in these Regulations, his or



her intention to turn and must steer his or her vehicle as near to the left side of the roadway on which he or she is travelling as circumstances may permit and must turn with due care and merge into such traffic stream as may at the time be travelling along, towards or into the public road into which he or she desires to turn.

(2) The driver of a vehicle on a public road who desires to turn to the right [left for countries where applicable] must, having due regard to section 46, before reaching the point at which he or she intends to turn, indicate in the manner prescribed in these Regulations, his or her intention to turn and may not turn unless he or she can do so without obstructing or endangering other traffic and -

- (a) if he or she is driving a vehicle on the roadway of a public road where the roadway is intended for traffic in both directions -
  - (i) he or she must steer the vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he or she is travelling; and
  - (ii) where the turn is at an intersection, he or she may not encroach on the right half [left half for countries where applicable] of the roadway into or out of which he or she intends to turn, except in the intersection itself, but must in any event pass to the left [right to countries where applicable] of any traffic island in that intersection or comply with the direction conveyed by any appropriate road traffic sign; or
- (b) if he or she is driving a vehicle on a roadway of a public road where the roadway is intended for traffic in only one direction -
  - (i) or she must steer the vehicle as near as circumstances permit to the right [left for countries where applicable] side of the roadway; and
  - (ii) where the turn is at an intersection he or she may not encroach on the right half [left half for countries where applicable] of the roadway into which he or she intends to turn, except in the intersection itself but must in any event pass to the left [right to countries where applicable] of any traffic island in the intersection or comply with the direction conveyed by an appropriate road traffic sign, but

where the turn is to be made into a roadway intended for traffic in only one direction, he or she may encroach on the right half [left half for countries where applicable] of that roadway.

#### **46 Towing of vehicles**

A person may not operate any vehicle on a public road while towing or drawing another vehicle save in the manner prescribed for the towing or drawing of any vehicle by another vehicle on a public road.

#### **47 Stopping of vehicles**

(1) Except in order to avoid an accident, or in compliance with section 50, a road traffic sign or with a direction given by a traffic officer, or for any cause beyond the control of the driver, a person may not stop a vehicle on the roadway of a public road -

- (a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by stopping;
- (b) within any tunnel or subway or on any bridge or within six metres of any tunnel, subway or bridge;
- (c) on, or within six metres from the beginning or end of, any part of the roadway where the normal width thereof has for any reason been constricted;
- (d) in contravention of any road traffic sign;
- (e) on the right-hand [left for countries where applicable] side of the roadway facing oncoming traffic;
- (f) alongside or opposite any other vehicle on the roadway where the roadway is less than nine metres wide;
- (g) within the railway reserve at a level crossing;
- (h) within nine metres of his or her approaching side of a pedestrian crossing demarcated by appropriate road traffic signs; or
- (i) in any other place where the stopping of a vehicle would or would be likely to constitute a danger or an obstruction to other traffic.

## **48 Stopping of vehicle for State motorcade**

(1) The driver of a vehicle on a public road must, when being approached or passed by a State motorcade -

- (a) where the road is demarcated into one traffic lane for his or her direction of travel, stop the vehicle at the extreme left or right of the road;
- (b) where the road is demarcated into two traffic lanes for his or her direction of travel, stop the vehicle in a safe position at the extreme left [right for countries where applicable] of the road if he or she is in the left lane [right for countries where applicable], or adjacent to any vehicle which may be to his or her left [right for countries where applicable] if he or she is in the right lane; [left for countries where applicable]
- (c) where the road is demarcated into more than two lanes for his or her direction of travel, stop the vehicle in a safe position;
- (d) where the vehicle is stopped in any lane at a controlled intersection, remain stationary and only proceed when instructed to do so by means of the hand signals of a traffic officer; or
- (e) where the road is not demarcated in two traffic lanes for his or her direction of travel, stop the vehicle at the extreme left [right for countries where applicable] of the road.

(2) A person driving a vehicle may not overtake or attempt to overtake any vehicle in a State motorcade.

(3) For the purposes of this regulation, “controlled intersection” means an intersection where the traffic is controlled by an automatic traffic signal, hand signals of a traffic officer or a stop sign or give way sign.

## **49 Parking of vehicles**

(1) A person may not park a vehicle on a public road -

- (a) in contravention of any road traffic sign;
- (b) in any place referred to in section 47;
- (c) on the same side as a fire hydrant within an area bounded by the

centre-line of the roadway and lines at right angles to the centre-line one and a half metres on either side of the hydrant, if the hydrant is clearly visible to and recognizable as such by drivers of moving vehicles, or if it is indicated by an appropriate road traffic sign;

- (d) in any place where the vehicle would obscure any road traffic sign;
- (e) in such manner as to encroach upon the sidewalk, if any; or
- (f) in such manner as to obstruct any private or public vehicular entrance to the public road.

(2) Subsection (1)(e) does not apply to any vehicle, other than a motor vehicle, while it is being used in carrying on the business of street vendor, pedlar or hawker, unless it exceeds such maximum weight, height, length or mass as may be prescribed in these Regulations.

(3) A person may not park a vehicle on any portion of the roadway (excluding the shoulders) of a public road outside an urban area or with any part of the vehicle within one metre of the edge of the roadway except in a parking place demarcated by an appropriate road traffic sign.

(4) A person may not park a vehicle on the roadway of a public road within an urban area -

- (a) within nine metres of the side from which he or she approaches a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;
- (b) within five metres of any intersection unless such parking is permitted by a road traffic sign;
- (c) upon or over the actuating mechanism of a traffic signal;
- (d) with the outside of any left-hand [right-hand for countries where applicable] wheel thereof more than 450 millimetres within the roadway; or
- (e) where the public road is restricted to vehicles moving in one direction and the vehicle is parked on the side of the roadway, with the outside of any right-hand [left hand for countries where applicable] wheel thereof more than 450 millimetres within the roadway, unless such parking is permitted by an appropriate road traffic sign; or

- (f) which is less than five and a half metres wide unless the public road is restricted to vehicles moving in one direction and such parking is permitted by appropriate road traffic signs.

(5) A person may not park a motor vehicle on a traffic island or in a pedestrian mall or pedestrian lane.

(6) Whenever a vehicle has been parked in contravention of this Act or in contravention of or in disregard of the directions of any road traffic sign prescribed in terms of this Act, that vehicle may be removed or caused to be removed and impounded by a traffic officer, and unless the vehicle has been so parked in the course of a theft thereof, the owner bears the costs of the removal and impoundment.

## **50 Certain vehicles may be stopped and parked at any place where necessary**

(1) Despite the provisions of sections 47 and 49, the driver of an emergency service vehicle or a person who drives a vehicle while it is used in connection with the construction or maintenance of a public road or the rendering of an essential public service, may stop or park the vehicle concerned at any place where it may be necessary to do so.

(2) A vehicle stopped or parked in terms of subsection (1) must, while it is so stopped or parked, display the identification lamps prescribed in terms of this Act.

## **51 Compulsory stops**

- (1) The driver of a vehicle on a public road must stop the vehicle -
  - (a) in compliance with any direction conveyed by a road traffic sign, signal or given by a traffic officer in uniform; or
  - (b) at the request or on the signal of a person leading or driving any animal on the public road.

## **52 General duties of driver or passenger of vehicle on public road**

- (1) A person driving or having a vehicle on a public road may not -
  - (a) cause the vehicle to travel backwards unless it can be done in safety, or cause it to run backwards for a distance or time longer than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on the public road;

- (b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of the other vehicle and the traffic on and the condition of the roadway, or more closely than is prescribed in these Regulations;
- (c) permit any person, animal or object to occupy any position in or on the vehicle which may prevent the driver thereof from exercising complete control over the movements of the vehicle or signalling his or her intention of stopping, slowing down or changing direction;
- (d) in the case of the driver, permit any passenger in the vehicle to travel without a fastened seatbelt where such a seatbelt is fixed to the motor vehicle;
- (e) in the case of a passenger, travel in the vehicle without fastening his or her seatbelt where such a seatbelt is fixed to that motor vehicle;
- (f) when driving the vehicle, permit any person to take hold of or interfere with the steering or operating mechanism of the vehicle;
- (g) when driving the vehicle, occupy such position that he or she does not have complete control over the vehicle or does not have a full view of the roadway and the traffic ahead of the vehicle;
- (h) allow the vehicle to remain unattended on the road without setting its brake or adopting such other method as will effectively prevent the vehicle from moving from the position in which it is left;
- (i) if the vehicle is parked or is stationary at the side of the road, drive the vehicle from that position unless he or she is able to do so without interfering with moving traffic approaching from any direction and without endangering himself, herself other traffic;
- (j) fail to give an immediate and absolute right of way to a vehicle sounding a device provided for in sections 62 or 64 of the Act;
- (k) allow any portion of his or her body to protrude beyond the vehicle while it is in motion on the road except for the purpose of giving any hand signal which he or she is required or authorised to give in terms of the Act or unless he or she is engaged in examining or testing or parking the vehicle;
- (l) permit any person or animal to occupy the roof, any step or running

board or any other place on top of the vehicle while it is in motion;

- (m) cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or ran in an efficient manner;
- (n) cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;
- (o) negligently or wilfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or grease or other flammable or offensive matter, ashes or other refuse, of whatever nature, from the vehicle upon or alongside the road; or
- (p) cause or allow the engine thereof to run while petrol or other flammable fuel is being delivered into the fuel tank of the vehicle, or cause or allow the engine to be started up before the delivery of the petrol or other flammable fuel into the fuel tank of the vehicle has been completed and the cover of the fuel tank has been replaced.

(2) No person, other than the driver, may take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling the vehicle.

(3) A passenger in a vehicle on a public road may not permit any part of his or her body to protrude beyond the vehicle.

(4) A person may not enter or alight from any vehicle on a public road unless the vehicle is stationary and unless he or she can do so without endangering himself, herself or other users of the road.

(5) A person may not drive, pull or push a vehicle upon a sidewalk, but this subregulation does not apply to a perambulator, wheel chair, baby cart or child's play vehicle.

### **53 Prohibition on use of communication device while driving**

- (1) A person may not drive a vehicle on a public road -
  - (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless it is affixed to the vehicle or is part of

the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable the driver to use or operate that telephone or communication device without holding it in the manner contemplated in paragraph (a) and remains so affixed while being used or operated.

(2) Subsection (1) does not apply to the driver of an emergency service vehicle, a traffic officer or a member of the [*insert country reference*] Defence Force, while driving a motor vehicle in execution of their duties, but he or she must drive the vehicle with due regard to the safety of other road users.

(3) For the purposes of this regulation, the word “headgear” includes a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device, directly or indirectly, while being fitted to or attached to one or both ears of the driver.

#### **54 Duties relating to motorcycle**

(1) A person may not drive a motorcycle on a public road unless his or her feet are resting on the front foot-rests suitable for the purpose and, where the design of the motorcycle makes it possible to do so, he or she is seated astride on the saddle of the motorcycle.

(2) A person may not carry a passenger on a motorcycle on a public road unless it has an engine with a cylinder capacity exceeding 50 cubic centimetres and unless the passenger is seated in a side-car or astride on a pillion attached to the motorcycle and, in the latter event, the feet of the passenger are resting on foot-rests suitable for that purpose.

(3) Subject to subregulation (2), not more than two persons may ride on a motorcycle on a public road, excluding a person riding in a side-car attached to the motorcycle.

(4) Not more than two adult persons may be carried in a side-car attached to a motorcycle on a public road.

(5) No person, animal or object may be carried on a motorcycle on a public road in front of the driver thereof, but an object of a non-bulky nature may be so carried if securely attached to the motorcycle or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver’s view or prevent him or her from exercising complete control over the motorcycle.



(6) Persons, other than traffic officers in the performance of their duties, driving motorcycles on a public road, must drive in single file except in the course of overtaking another motorcycle, and two or more persons driving motorcycles may not overtake another vehicle at the same time, and where a public road is divided into traffic lanes, each lane is, for the purposes of this paragraph, regarded as a public road.

(7) A person driving a motorcycle on a public road or seated on a motorcycle may not take hold of any other vehicle in motion.

(8) Any person driving a motorcycle on a public road must do so with at least one hand on the handlebars of the motorcycle.

(9) Any person driving a motorcycle on a public road must do so in such manner that all the wheels of the motorcycle are in contact with the surface of the road at all times.

(10) For the purposes of this regulation, “motorcycle” excludes a motor tricycle or motor quadricycle.

## CHAPTER V: VEHICLE QUALITY

### PART I: REGISTRATION AND LICENSING OF VEHICLES, MANUFACTURERS, BUILDERS AND IMPORTERS

#### **55 Registration and licensing of motor vehicles<sup>3</sup>**

- (1) The registration and licensing of motor vehicles shall be as prescribed.
- (2) No person shall, subject to this Act, operate on a public road any motor vehicle which is not registered and licensed by virtue of this Chapter.

#### **56 Registration of manufacturers, builders and importers**

(1) Every manufacturer, builder or importer shall apply in the prescribed manner to the *[insert authority administering the Act]* concerned for registration as a manufacturer, builder or importer.

(2) If the *[insert authority administering the Act]* is satisfied that an applicant referred to in subsection (1) complies with the qualifications for competency as prescribed for the specific category in respect of which application is made, he or she shall register such applicant on the conditions and in the manner prescribed.

(3) The *[insert authority administering the Act]* may, in the prescribed manner, alter the conditions referred to in subsection (2).

(4) The *[insert authority administering the Act]* 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.

(5) Every manufacturer, builder or importer 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.

#### **57 Right of appeal to Minister**

(1) Any person who is aggrieved at the refusal of the *[insert authority administering the Act]* to register him or her as a manufacturer, builder or importer or at the

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<sup>3</sup> Member states that do not licence motor vehicles (by virtue of inclusion of such fees in a fuel levy for example) to omit references to licensing.

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 Minister against such refusal, suspension, cancellation or conditions, and such person shall at the same time serve a copy of the appeal on the *[insert authority administering the Act]*.

(2) After receipt of the copy of the appeal referred to in subsection (1), the *[insert authority administering the Act]* 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.

## **58 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.

## **PART II: FITNESS OF VEHICLES**

### **59 Certificate of roadworthiness required in respect of motor vehicle**

(1) The Minister *[or Insert authority administering the Act]* must prescribe in regulations categories or classes of motor vehicles and circumstances under which certificates of roadworthiness may be required.

(2) The owner or operator of a motor vehicle for which a certificate of fitness is required in terms of sub-section (1) must apply for that certificate to an appropriately graded vehicle testing station.

(3) The Minister *[or Insert authority administering the Act]* must prescribe all matters pertinent to the application and issuance of a certificate of roadworthiness, including but

not limited to the following:

- (a) the manner of application for a certificate of roadworthiness;
- (b) the manner of examination and testing of a motor vehicle by an appropriately graded vehicle examiner;
- (c) the manner of certification of roadworthiness;
- (d) the procedure for issuance of a certificate of roadworthiness;
- (e) circumstances under which a certificate of roadworthiness is voidable;
- (f) the period of validity of a certificate of fitness;
- (g) the manner of issuance of a notice directing that a motor vehicle must be taken for examination and testing at a vehicle testing station; and
- (h) the procedure to be followed after the issuance of the notice referred to in paragraph (g).

#### **60 Right of review or appeal**

Any person aggrieved by a decision of a vehicle examiner or a vehicle testing station, or a registering authority taken in relation to the provisions of this Part, may seek for a review or appeal against the decision to the Minister [*if a country has a separate appeals body, please refer to such*] in terms of the rules of the administrative law and as prescribed in regulations.

### **PART III: EQUIPMENT IN RESPECT OF MOTOR VEHICLE**

#### **61 Specification and quality of equipment in respect of motor vehicle**

(1) The Minister [*or Insert authority administering the Act*] must prescribe the type and quality of equipment to be on a motor vehicle or in respect of various categories or classes of motor vehicles.

(2) Every person intending to operate a motor vehicle on a public road must ensure that the vehicle is equipped with the appropriate type and quality of equipment as contemplated in sub-section (1).

# CHAPTER VI: ROAD TRAFFIC SIGNS AND SPEED LIMITS

## PART I: ROAD TRAFFIC SIGNS

### **62 Minister [or Insert authority administering the Act] may prescribe road traffic signs**

(1) Subject to the provisions of this Act, the Minister [*or Insert authority administering the Act*] may, for the purpose of -

- (a) prohibiting, limiting, regulating or controlling traffic in general or any particular class of traffic on a public road or a section of such a road; or
- (b) designating any public road or 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 the Minister may deem expedient, as well as their significance and the conditions and circumstances under which they may be displayed on a public road.

(2) The Minister may, subject to such conditions as he or she may determine, authorise any person or government institution to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability of such sign, signal, marking or device as a road traffic sign.

### **63 Failure to obey road traffic sign**

(1) Unless otherwise directed by a traffic officer or road transport inspector, any person must comply with any direction conveyed by a road traffic sign displayed in the prescribed manner.

(2) In any prosecution for a transgression under subsection (1), it is presumed, in the absence of evidence to the contrary, that the road traffic sign concerned was displayed by the proper authority and in accordance with the provisions of this Act.

### **64 Speed limit**

(1) The Minister may prescribe the general speed limit -

- (a) in respect of every public road or section thereof, other than a

freeway, situated within an urban area;

- (b) in respect of every public road or section thereof, other than a freeway, situated outside an urban area; and
- (c) in respect of every freeway.

(2) An appropriate road traffic sign may be displayed in accordance with section 67 indicating a speed limit other than the general speed limit which applies in respect of that road in terms of subsection (1)(b) and (1)(c) but that other speed limit may not be higher than the speed limit prescribed in terms of paragraph (1)(c).

(3) The Minister may prescribe in respect of any particular class of vehicle a speed limit which is lower or higher than the general speed limit prescribed for a public road outside an urban area or for a freeway but the speed limit so prescribed may not supersede a lower speed limit indicated in terms of subsection (2) by an appropriate road traffic sign.

(4) A person may not drive a vehicle on a public road at a speed in excess of -

- (a) the general speed limit which applies in respect of that road in terms of subsection (1)
- (b) the speed limit indicated by an appropriate road traffic sign in respect of that road in terms of subsection (2); or
- (c) the speed limit prescribed by the Minister in terms of subsection (3) in respect of the class of vehicle concerned.

## **65 Certain drivers exempted from general speed limit**

Notwithstanding section 63, the driver of an emergency service vehicle who drives that vehicle in the performance of his or her duties, or a traffic officer or road transport inspector who drives a vehicle in the performance of his or her duties, may exceed the applicable general speed limit, but in such event the vehicle must be driven -

- (a) with due regard to the safety of other traffic; and
- (b) with its sounding device and identification lamp as prescribed being activated.

## CHAPTER VII: MISCELLANEOUS AND LEGAL PROCEDURE

### **66 National Transport Information System**

The Minister must implement an electronic information system to be called the National Transport Information System which includes—

- (a) an operator registration system to record details of operators as contemplated in the Cross-Border Road Transport Act [*include country-specific reference*], their registration and grading status, their depots, details of drivers and their professional status, and details of the vehicles used, as well as to record details of responsible competent persons and their registration status, and
- (b) a transgression system to record details of the transgression records and demerit points relating to operators, responsible competent persons and drivers together with details of the vehicles involved;
- (c) a vehicle system incorporating the register of motor vehicles to record details of vehicles, the title and ownership of vehicles, the compulsory licence fees or road taxes, roadworthiness testing and 3rd Party Insurance; and
- (d) a driver system incorporating the register of drivers to record details of drivers, the compulsory training, learner testing, driver testing and professional driver testing, together with the authorised categories;

### **67 Production of driving licence and permit to court**

(1) Any person who is charged with a transgression in terms of this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident, must produce every licence and permit of which he or she is the holder issued in terms of this Act to the court at the time of the hearing of the charge.

(2) A person referred to in subsection (1) may not, without reasonable excuse, refuse or fail to produce in terms of that subsection the licence and permit or duplicate so referred to on request

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

(1) 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 must, in addition to imposing a sentence, order the suspension or cancellation of the licence or permit of the accused as contemplated in the Road Traffic and Transport Transgressions Act.

(2) At the suspension or cancellation of a licence or permit in terms of subsection (1) the Registrar of the Court must update the Transgression System and the Register of Drivers accordingly or ensure that the systems are so updated.

(3) Subject to subsection (4) any person who is not the holder of a driving licence or of a licence or a permit is on conviction of an offence as contemplated in subsection (1) disqualified for the period determined by the Court from obtaining a licence or a permit.

(4) A court convicting any person of an offence referred to in subsection (1) must, before imposing sentence, bring the provisions of the Road Traffic and Transport Transgressions Act regarding the suspension or cancellation of a licence or a permit to the notice of that person.

**69 Procedure subsequent to suspension or cancellation of licence or permit**

(1) Where court has issued an order that any licence or any permit be suspended or cancelled, the prescribed procedure must be followed.

(2) Whenever a licence or a licence and permit are suspended or cancelled in terms of an order of court, the suspension or cancellation applies to any other licence or licence and permit held by the person concerned.

**70 Regulations and standards**

(1) The Minister may make regulations consistent with this Act with regard to -  
(a) to be expanded

(2) Before the Minister makes any regulation under this section, publication must be made of a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment in writing and within a period stated in the notice, which period may not be less than 30 days from the date of publication of the notice.

(3) If the Minister incorporates any comment into the regulation, there is need for publication of the incorporated comments as contemplated in subsection (2) before making the



regulation.

(4) The power conferred on the Minister to make regulations includes the power to incorporate into any regulation so made any quality standard publication contemplated in this Act, or any part thereof, without stating the text thereof, by mere reference to the number, title and year of issue of that quality standard publication or any other particulars by which the quality standard publication is sufficiently identified.

(5) Any provision of a quality standard publication incorporated into a regulation under subsection (2) is, in so far as it is consistent with other regulations made in terms of this Act, is deemed to be a regulation.

(6) Any regulation incorporating any quality standard publication under subsection (4) must state the place and times at which a copy of the quality standard publication is available for inspection.

(7) For the purposes of subsection (4) "**quality standard publication**" means any code of practice, specification, standard or standard method published or issued by a certified standards body or a standard adopted by the COMESA-EAC-SADC Tripartite or by any other Standards which the country is authorised to apply by virtue of an appropriate authorisation thereto.

## **71 Power of Minister to enter into agreements for performance of functions**

(1) The Minister may enter into an agreement with any person, including any government institution, whereby arrangements are made for the exercise or performance by that person or institution of any power, duty or function conferred or imposed on any functionary by or under this Act, or for the rendering of any service or the provision of any facility as may be considered necessary or expedient for the purpose of the exercise or performance of any such power, duty or function.

(2) The entrustment of any power, duty or function to any person under an agreement under subsection (1) is subject to such conditions as the Minister may determine.

(3) Conditions referred to in subsection (2) may include conditions in relation to the apportionment between the State and the contracting party of any fees payable in terms of this Act in respect of the exercise or performance of any power, duty or function entrusted to the contracting party.

## **72 Delegation of powers and duties**

(1) The Minister may delegate or assign to any person or government institution, any power or duty conferred or imposed on the Minister by this Act, except the power to make regulations under section 69.

(2) A delegation or assignment by the Minister under subsection (1)-

- (a) may be made subject to such conditions as the Minister may determine; or
- (b) may be withdrawn or varied by the Minister; and
- (c) does not preclude the Minister from exercising or performing any power or duty so delegated or assigned.

### **73 Amendments and Repeal**

The laws specified in the Schedule to this Act are amended or repealed to the extent set out in the third column thereof on the dates determined by the Minister by notice in the *Gazette* and different dates may be so determined in terms of different sections of the laws specified in the Schedule.

### **74 Transitional provision**

The Minister may, by notice in the *Gazette*, relax any requirement in terms of this Act for a transitional period of five years, to facilitate the implementation of this Act.

### **75 Saving**

(1) Subject to the provisions of this Act, anything done under a provision of a law preceding this Act and which could have been done under a corresponding provision of this Act, in so far as it is not inconsistent with any provision of this Act, is deemed to have been done under such corresponding provision of this Act and remains valid after the commencement of this Act.

(2) For the purpose of subsection (1) any regulation made in relation to any matter contemplated in this Act, under any law repealed by section 74 is deemed to be a regulation made under section 71 and remains in force until repealed in terms of this Act or any other law.

(3) Any person who, under subsection (2) is deemed to have been appointed in any capacity under this Act and who does not comply with any requirement or possess any qualification prescribed in terms of this Act for appointment in that capacity, is required to comply with that requirement or obtain the relevant qualification within such period as the

Minister may determine by notice in the Gazette, failing which that person is not entitled to perform any function which, under this Act, is conferred or imposed on a person appointed in the capacity concerned.

**76 Short title and commencement**

This act may be called the Road Traffic Act, 20... and commences on a date determined by the Minister by notice in the Gazette and the Minister may determine different dates for the commencement of different sections or subsections of this Act.

## SCHEDULE

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3 amendment</b>
<b>No. and year of law</b>	<b>Title</b>	<b>Extent of repeal or amendment</b>