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NOTICE 1354 OF 2002**DEPARTMENT OF TRANSPORT**

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

PROPOSED AMENDMENTS OF NATIONAL ROAD TRAFFIC REGULATIONS

The Minister of Transport intends to amend the regulations in the Schedule under section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Comments regarding the proposed amendments may be sent on or before 14 August 2002, to: Mr Thabo Tsholetsane at National Department of Transport, Private Bag X193, PRETORIA, 0001 or through fax no. 012 309 3134 or E-mail: tsholeta@ndot.pwv.gov.za

SCHEDULE**Definition**

1. In this Schedule "the Regulations" means the National Road Traffic Regulations published in Government Notice No. R. 225 of 17 March 2000, as amended by Government Notice No's. R. 761 of 31 July 2000, R. 941 of 22 September 2000, R.726 of 3 August 2001 and R.2116 of 5 October 2001.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is amended—
- (a) by the substitution for the definition of "**acceptable identification**" of the following definition:
- "**acceptable identification**" means—
- (a) a temporary identity certificate, an identity document or identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997);
 - (b) in the case of a person not permanently resident in the Republic, an identity document issued by a foreign country or a traffic register number certificate issued in terms of regulation 335;
 - (c) in the case of—
 - (i) a company, a certificate of incorporation or name change issued in terms of the Companies Act, 1973 (Act No. 61 of 1973); or
 - (ii) a close corporation, a founding statement or a certificate of name change issued in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);
 - (d) in the case of—
 - (i) a person carrying on a business which, for the purposes of this definition, includes farming activities; or
 - (ii) a body of persons not referred to in paragraph (c), a traffic register number certificate issued in terms of regulation 335;
 - (e) a driving licence card issued in terms of regulation 108; or
 - (f) except for the purposes of regulations 103 to 112, a certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e), and unless the registering authority or driving licence testing centre to which an application, which is required to be accompanied by acceptable identification, in terms of the Act is made, already has on file a certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e) and the registering authority or driving licence testing centre concerned has determined that an additional certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e) is not required, an additional certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e) and such additional certified

copy may be retained by the registering authority or driving licence testing centre whilst the certificate or document referred to in paragraph (a), (b), (c), (d) or (e) shall be returned to the applicant;"; and

- (b) by the insertion after the definition of "**pedestrian crossing**" of the following definition:

"Permanently demolished" means, in the case of a motor vehicle, the chassis of the motor vehicle has been—

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

to such an extent that it cannot be used to build any motor vehicle;".

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is amended by-

- (a) the substitution of paragraph (dA) of subregulation (3) of the following paragraph:

"(dA) grade F, if the examiner for driving licences is qualified to the satisfaction of the chief executive officer to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and, if the examiner is specifically authorised by the MEC to replace a driving licence or international driving licence permit in terms of section 20(3), 23(4) or 24(3) of the Act; or"; and

- (b) the substitution of paragraph (f) of subregulation (4) of the following paragraph:

"(f) as a grade A, B, C, D, F or L examiner for driving licences shall, notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998 in terms of section 19 of the Act, or to, if so specifically authorised by the MEC, replace a driving licence or international driving licence permit in terms of section 20(3), 23(4) or 24(3) of the Act."

Amendment of regulation 6(1) of the Regulations

4. Regulation 6(1) of the Regulations is amended—

- (a) by the deletion in paragraph (d) after the semi-colon of the word "or";
- (b) by the insertion in paragraph (e) after the full stop of a semi-colon and the word "or"; and
- (c) by the insertion after paragraph (e) of the following paragraph:
"(f) on which the motor vehicle is deregistered in terms of regulation 26A(1)."

Amendment of regulation 7(1) of the Regulations

5. Regulation 7(1) of the Regulations is amended by the insertion in paragraph (b) after item (ii) of the following item:

- "(iii) in the case of a motor vehicle referred to in regulation 6(1)(f), on the date referred to in regulation 23(2)."

Amendment of regulation 8 of the Regulations

6. Regulation 8 of the Regulations is amended—

- (a) by the substitution of paragraph (i) of subregulation (2)(d) of the following paragraph:
- “(i) if the motor vehicle concerned has been repossessed and the person who obtained the registration certificate under road traffic laws previously applicable, refuses to hand over the registration certificate to the applicant, and the provisions of regulation 11 have been complied with and such applicant submits a South African Police Service clearance of the motor vehicle;” and
- (b) by the substitution of paragraph (h) of subregulation (2) of the following paragraph:
- “(h) a South African Police Service clearance of the motor vehicle if required in terms of this Chapter;”.

Amendment of regulation 9A of the Regulations

7. Regulation 9A of the Regulations is amended by the substitution of the regulation by the following regulation:

“Additional requirements for registration of deregistered motor vehicles

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

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

Insertion of regulation 9B in the Regulations

8. The Regulations are amended by the insertion of the following regulation:

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

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

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

Amendment of regulation 13 of the Regulations

9. Regulation 13 of the Regulations is amended by the substitution of subregulation 2B of the following subregulation:

“(2B) The registering authority shall, if authorised by the MEC, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order, in the event that the register of motor vehicles can not be accessed immediately—

- (a) issue a manual certificate on form RC1-M as shown in Schedule 2 free of charge to

confirm to the title holder that the documentation is in order and that a registration certificate will be issued to him or her as soon as the register of motor vehicles can be updated; and

(b) act as prescribed in paragraph (2A) as soon as the register of motor vehicles can be accessed and updated, and if the registering authority is satisfied that the application is in order."

Amendment of regulation 13 of the Regulations

10. Regulation 13 of the Regulations is amended by-

(a) the substitution of paragraph (b) of subregulation (4) of the following paragraph:

"(b) the vehicle was deregistered in terms of regulation 55 as permanently unfit of use; or"; and

(b) the insertion after subregulation (7) of the following subregulation:

"(8) A motor vehicle which was deregistered in terms of regulation 55 as permanently demolished, shall not be registered."

Amendment of regulation 14 of the Regulations

11. Regulation 14 of the Regulations is amended by -

(a) the substitution of subregulation (2) with the following subregulation:

"(2) The said registering authority may, or shall if requested by the MEC to do so, upon application forward the application to the MEC for evaluation."; and

(b) the insertion after subregulation (2) of the following subregulation:

"(3) The said MEC may upon receipt of the forwarded application, appoint any registered manufacturer or importer as agent of the registering authority that received the application."

Amendment of regulation 17 of the Regulations

12. Regulation 17 of the Regulations is amended by the insertion after subregulation (3) of the following subregulation:

"(4) Where a motor vehicle record has been updated in terms of subregulation (3)(b), the record of the motor vehicle may be moved to the archive of the register on any date 5 years after the date on which such update took place."

Insertion of regulation 26A in the Regulations

13. The Regulations are amended by the insertion of the following regulation:

"Consequences of failure to licence motor vehicle"

26A. (1) If a motor vehicle is required to be licensed in terms of the provisions of this Chapter and an application for the licensing of the motor vehicle is not received within four years from the date of liability referred to in regulation 23(1)(e) and 23(2), the motor vehicle concerned shall be deregistered.

(2) If a motor vehicle is deregistered in terms of subregulation (1), the title holder thereof shall, from the date referred to in regulation 7(1)(b)(iii), be liable to register such vehicle in terms of regulations 8 and 9B and the owner shall be liable to license such vehicle as referred to in regulation 24.

(3) The deregistration of the motor vehicle in terms of subregulation (1) shall not exempt the owner of the motor vehicle concerned from the liability to licence such motor vehicle in terms of regulation

18 or from the payment of the penalties and arrear licence fees in terms of regulations 57 and 59.

(4) Where a motor vehicle is deregistered in terms of subregulation (1), the record of the motor vehicle shall be marked as such and may be moved to the archive of the register."

Amendment of regulation 35 of the Regulations

14. Regulation 35 of the Regulations is amended by the substitution of subregulation (1) with the following subregulation:

"(1) The licence number of a motor vehicle shall be displayed on a plate, to be referred to as a number plate and which complies with standard specification SABS 1116: "Retro-reflective Registration Plates for Motor Vehicles", Part 2: "Registration plates (metal)" or Part 4: "Registration plates (plastics)".

Amendment of regulation 40 of the Regulations

15. Regulation 40 of the Regulations is amended by the substitution of the term "the official in charge of the Vehicle Theft Unit of the South African Police Service" with the term "the designated officer of the South African Police Service" in subregulation (1) paragraph (c).

Amendment of regulation 44 of the Regulations

16. Regulation 44 of the Regulations is amended by replacing the expression "conduct inspections to evaluate" with the expression "conduct at least one inspection per year to evaluate" in subregulation (1) paragraph (b).

Amendment of regulation 53 of the Regulations

17. Regulation 53 of the Regulations is amended by the substitution of paragraph (a) of subregulation (1) of the following paragraph:

"(a) dispose of or deliver or trade with a motor vehicle unless -

(i) such motor vehicle, if required to be registered and licensed in terms of this Chapter, is so registered and licensed; and

(ii) the registration certificate, and if the motor vehicle is required to be licensed, the motor vehicle licence, accompanies the motor vehicle concerned; or".

Amendment of regulation 54 of the Regulations

18. Regulation 54 of the Regulations is amended by the insertion after subregulation (7) of the following subregulation:

"(8) Where a motor vehicle record has been updated in terms of subregulation (4)(b), the record of the motor vehicle may be moved to the archive of the register on any date 15 years after the date on which such update took place."

Amendment of regulation 55 of the Regulations

19. Regulation 55 of the Regulations is amended by the insertion after subregulation (4) of the following subregulation:

"(5) Where a motor vehicle record has been updated in terms of subregulation (3)(b), the record of the motor vehicle may be moved to the archive of the register on any date 5 years after the date on which such update took place."

Amendment of regulation 55 of the Regulations

20. Regulation 55 of the Regulations is amended by the substitution of the regulation by the following regulation:

"Procedure if a motor vehicle becomes permanently unfit for use as motor vehicle or has been permanently demolished

55. (1) If a motor vehicle becomes permanently unfit for use as a motor vehicle or has been permanently demolished, the owner of such motor vehicle shall—

- (a) notify the title holder forthwith thereof;
- (b) within three months after the date on which such motor vehicle has become permanently unfit of use or has been permanently demolished, notify the appropriate registering authority, on form CNV as shown in Schedule 2, that such motor vehicle is permanently unfit for use as a motor vehicle or has been permanently demolished; and
- (c) submit the registration certificate of the motor vehicle concerned to the appropriate registering authority, if such certificate is in such owner's possession.

(2) The title holder of a motor vehicle referred to in subregulation (1) shall—

- (a) within three months after the date on which such motor vehicle has become permanently unfit of use or has been permanently demolished, notify the appropriate registering authority, on form ADV as shown in Schedule 2, that such motor vehicle is permanently unfit for use as a motor vehicle or has been permanently demolished; and
- (b) if the registration certificate of such motor vehicle has not been submitted by the owner under subregulation (1)(c), submit such certificate and the notification referred to in paragraph (a) to the appropriate registering authority.

(3) On receipt of a notification referred in subregulation (1)(b), (2)(a), (6)(a) or (7)(a) the registering authority shall—

- (a) ensure that the notification is in order;
- (b) update the particulars pertaining to the motor vehicle in the register of motor vehicles;
- (c) issue an acknowledgement of receipt of the notification referred to in subregulation (1)(b) or subregulation (6)(a), on form ARN as shown in Schedule 2 to the owner; and
- (d) in the case of the notification referred to in subregulation (2)(a) or subregulation (7)(a) issue a deregistration certificate on form VDC as shown in Schedule 2 to the title holder of the motor vehicle concerned.

(4) If a registering authority has in terms of subregulation (3)(c), acknowledged receipt of the notice referred to in subregulation (1)(b), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.

(5) Where a motor vehicle record has been updated in terms of subregulation (3)(b), the record of the motor vehicle may be moved to the archive of the register on any date 5 years after the date on which such update took place.

(6) If a motor vehicle has been permanently demolished and the notification of such demolition has not been indicated in the notification referred to in subregulation 1(b), the owner of such motor vehicle shall, within three months after the date on which such motor vehicle has been permanently demolished—

- (a) notify the appropriate registering authority, on form CNV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and
- (b) if not already, comply with all requirements of subregulation 1.

(7) If a motor vehicle has been permanently demolished and the notification of such demolition has not been indicated in the notification referred to in subregulation 2(a), the title holder of such motor vehicle shall, within three months after the date on which such motor vehicle has been permanently demolished—

- (a) notify the appropriate registering authority, on form ADV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and
- (b) if not already, comply with all requirements of subregulation 2."

Amendment of regulation 59 of the Regulations

21. Regulation 59 of the Regulations is amended by the substitution of subregulation 2 of the following subregulation:

"(2) If a person who owes any penalties or fees in terms of the provisions of this Act to any registering authority or driving licence testing centre, applies for any transaction, the registering authority or driving licence testing centre to whom such application is made, may refuse to effect the transaction applied for or, in the case of an application for the licensing of a motor vehicle at a registering authority, refuse to issue a licence disc to the applicant, until such penalties and fees have been paid, and may apply any amount tendered in settlement of such penalties and fees due."

Amendment of regulation 65 of the Regulations

22. Regulation 65 of the Regulations is amended by the insertion after subregulation (2) of the following subregulation:

"(3) Where a motor vehicle record has been updated in terms of subregulation (2)(a), the record of the motor vehicle may be moved to the archive of the register on any date 5 years after the date on which such update took place."

Amendment of regulation 95 of the Regulations

23. Regulation 95 of the Regulations is amended by the substitution of paragraph (g) of subregulation (2) of the following paragraph:

"(g) as a grade A, B, C, D, E or F driving licence testing centre, shall notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998 in terms of section 19 of the Act, or to, if so specifically authorised by the MEC, replace a driving licence or international driving licence permit in terms of section 20(3), 23(4) or 24(3) of the Act."

Amendment of regulation 115 of the Regulations

24. Regulation 115 of the Regulations is amended—

- (a) by the substitution of paragraph (f) of subregulation (1) of the following paragraph:
 - "(f) a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274; and"; and
- (b) by the substitution of paragraph (a) of subregulation (2) of the following paragraph:
 - "(a) to a traffic officer, examiner of vehicles or examiner for driving licences in the

performance of his or her duties as contemplated in sections 3I, 3G and 3H of the Act, respectively;".

Amendment of regulation 138 of the Regulations

25. Regulation 138 of the Regulations is amended by the deletion of paragraph (e) of subregulation (2).

Amendment of regulation 141 of the Regulations

26. Regulation 141 of the Regulations is amended by the substitution of subregulation 2 of the following subregulation:

"(2) If the examiner of vehicles is satisfied that the motor vehicle is roadworthy and that the chassis number or engine number of the motor vehicle has not been tampered with, obliterated, mutilated or altered, the testing station shall upon payment of the appropriate fee as determined by the MEC of the province concerned, or in the case where such testing station is not under the control of a registering authority, as determined by such testing station, certify that the motor vehicle is roadworthy by—

- (a) in the case of a motor vehicle registered in the Republic, updating the particulars pertaining to such motor vehicle in the register of motor vehicles and advise the applicant that the motor vehicle is to be licensed; or
- (b) in the case of a motor vehicle not registered in the Republic, issuing the applicant with form CRW, as shown in Schedule 2."

Amendment of regulation 142 of the Regulations

27. Regulation 142 of the Regulations is amended—
- (a) by the deletion in subregulation (1) in paragraph (d) in item (ii) after the semi-colon of the word "or";
 - (b) by the insertion in subregulation (1) in paragraph (e) after the full stop, a semi-colon and the word "or";
 - (c) by the insertion in subregulation (1) after paragraph (e) of the following paragraph:
 - "(f) a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274."; and
 - (d) by the substitution in subregulation (2) of paragraph (a) with the following paragraph:
 - "(a) motor vehicle referred to in regulation 138(2)(c) or a trailer drawn by a tractor."

Amendment of regulation 144 of the Regulations

28. Regulation 144 of the Regulations is amended—
- (a) by the deletion in subregulation (2) of the words "Subject to the provisions of subregulation (3)"; and
 - (b) by the deletion of subregulations (3), (4), (5) and (6).

Amendment of regulation 202 of the Regulations

29. Regulation 202 of the Regulations is amended by the substitution in subregulation (3) of paragraph (c) with the following paragraph:

- "(c) if, from 1 January 2000, any material or film, with a textured surface, displaying a picture or graphics is applied to a windscreen or window that covers more than one-eighth of such windscreen or window: Provided that the application of any material or film, with a textured surface, displaying a picture or graphics to a windscreen or window, shall be subject to the provisions of regulation 204(1).".

Amendment of regulation 221 of the Regulations

30. Regulation 221 of the Regulations is amended by the insertion after paragraph (e), of the following paragraph:

- "(eA) a bus, if the overall length thereof exceeds 14 metres;".

Amendment of regulation 266 of the Regulations

31. Regulation 266 of the Regulations is amended by the substitution of the regulation by the following regulation:

"Categories of, and authority conveyed by, operator card

266. (1) Operator cards are divided in the following categories:
- (a) Category "G", which authorises the operation of a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and a breakdown vehicle on a public road; and
 - (b) category "D", which authorises the driving of a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274 on a public road."

Amendment of regulation 341 of Regulations

32. Regulation 341 of the Regulations is amended by the substitution for the words preceding the proviso of the following words:

- "Manufacturers of number plates are deemed to be registered in terms of section 5 of the Act until 1 August 2003:".

Insertion of regulation 343E in the Regulations

33. The Regulations are amended by the insertion of the following regulation:

"Transitional provision: Driving licences

343E. (1) Subject to section 29 of the Act, any licence, certificate, permit or authorisation issued or granted by any officer registered as a grade F examiner for driving licences prior to successful completion of an official training course for grade F examiners for driving licences, in terms of section 19, 20(3), 23(4) and 24(3) of the Act, shall be deemed to be valid for purposes of this Act.

(2) All officials registered as examiners for driving licences prior to successful completion of the official training course, must complete the prescribed training by 1 August 2003, or else all licences, certificates, permits or authorisations issued or granted after such date, will be null and void."

Short title and commencement

34. These regulations shall be called the Fifth Amendment to the National Road Traffic Regulations, and shall come into operation upon publication in the *Gazette*, except for Regulations 10 and 20 which will come into operation on 1 December 2002 and Regulation 26 which will come into operation on a date as determined by the Minister: Provided that if a date has not been determined by 1 July 2003, Regulation 26 will come into operation on 1 April 2003.