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GENERAL NOTICE

NOTICE 1085 OF 2004

DEPARTMENT OF TRANSPORT


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

AMENDMENT OF NATIONAL ROAD TRAFFIC REGULATIONS

I, Jeffrey Thamsanqa Radebe, Minister of Transport, acting in terms of section 75(6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) publish for comments the draft regulations in the Schedule in terms of section 75 of the National Road Traffic Act, 1996. All interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections within 14 days from the date of publication of this notice to:

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J T RADEBE
MINISTER OF TRANSPORT

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, R. 2116 of 5 October 2001, R. 779 of 4 June 2002 and R. 1341 of 25 September 2003.

Amendment of regulation 1 of the 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) in the case of a person, a temporary identity certificate, an identity document or identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997);
- (b) in the case of a person, a valid South African passport issued to a South African citizen;
- (c) in the case of a person not permanently resident in the Republic, an identity document issued by a foreign country or a traffic register number certificate issued in terms of regulation 335;
- (d) in the case of—

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

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

- (b) by the substitution for paragraph (b) of the definition of "**appropriate registering authority**" of the following paragraph:

"(b) in relation to the registration of a motor vehicle—

- (i) subject to the provisions of items (ii), (iii), (iv) and (v), the appropriate registering authority of the title holder, and in the case of an application for a registration certificate as contemplated in regulation 16, the appropriate registering authority of the title holder or owner, whatever the case may be;
- (ii) if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, until a registration certificate has been issued in respect of such motor vehicle;
- (iii) of which the title holder is a department of State which has been appointed as a registering authority, such department of State;
- (iv) of which the title holder is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons determined by the Minister of Foreign Affairs, the Department of Foreign Affairs;
- (v) of which the title holder does not permanently reside in the Republic, the appropriate registering authority of the owner;
- (vi) the appropriate registering authority of the owner; or
- (vii) the appropriate registering authority of the motor dealer or seller;";

- (c) by inserting after the definition of **'bus-train'**, the following definition:
- " **'caravan'** means an enclosed vehicle which is designed or adapted solely to live in;";
- (d) by inserting after the definition of **'emergency vehicle'**, the following definition:
- " **'external road traffic register user'** means a person who carries on a business and who has been registered in terms of regulation 64B;"; and
- (e) by the substitution for the definition of **"overall width"** of the following definition:
- " **'overall width'** in relation to a vehicle, means the width measured between two planes parallel to the longitudinal centre-line of the vehicle and passing through the extreme projecting points on either side of such vehicle, excluding any side mirror or direction indicator or 30 millimetres on either side in respect of the fitment or air deflectors, reflectors or dangerous goods placards;".
- (f) by inserting after the definition of **"temporary permit"** the following definition:
"testing station proprietor" means a person or body of persons in whose name a testing station is registered as contemplated in regulation 130;";
- (g) by deleting the definition of **"vintage motor vehicle"**

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is amended by-
- (a) the substitution for paragraph (dA) of subregulation (4) of the following paragraph:
- "(dA) as a grade F examiner for driving licences, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;";
- (b) the substitution for paragraph (dB) of subregulation (4) of the following paragraph:
- "(dB) as a grade G examiner for driving licences, shall be authorised to determine whether a person is disqualified from obtaining or holding a learner's or driving licence in terms of regulation 102 and to take an imprint of the left thumb and right thumb of the applicant as referred to in regulation 108 (1) (c) and 119 (1) (a) and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit;"; and
- (c) the substitution for paragraph (f) of subregulation (4) of the following paragraph:
- "(f) as a grade A, B, C or D examiner for driving licences shall, notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998, in terms of section 19 of the Act, or to issue a driving licence in terms of section 20 (3), 23 (4) or 24 (3) of the Act or to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit."

Amendment of Regulation 2A of the Regulations

4. Regulation 2A of the regulations is amended by the substitution for subregulations (4) and (5) of the following subregulations:

"(4) An authorised officer or instructor whose registration has been cancelled or suspended due to the following:

- (a) fraudulent or illegal actions which constitute an offence;
- (b) investigation into fraudulent actions; or
- (c) resigns before completion of investigation into fraud and has been found guilty of fraud;

shall not be appointed or registered by any authority.

(5) An authorised officer or instructor whose registration has been cancelled or suspended due to the following:

- (a) resignation for reasons other than that referred to in subregulation (4); or
- (b) stopped practising as a specific type of authorised officer or instructor for an unspecified period for reasons other than that referred to in subregulation (4),

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

Amendment of regulation 4 of the Regulations

5. Regulation 4 of the regulations is amended by the substitution for the regulation of the following regulation:

"Motor vehicle deemed to be registered

4(1) A motor vehicle in the Republic which is separately registered and licensed in terms of any law of a prescribed territory and which was not ordinarily kept in a garage or at any other place in the Republic when it was so registered and licensed in terms of such law shall, subject to the provisions of subregulations (3) and (4), while it is used by or on behalf of the owner in whose name such vehicle is so registered and licensed, be deemed to be registered in terms of this Part.

(2) Subject to the provisions of subregulation (3) and (4), a motor vehicle which is registered in accordance with a law of a Contracting State to the Convention and in accordance with the terms of the Convention, shall be deemed to be registered in terms of this Part while in the Republic—

- (a) during a continuous period of 12 months calculated from the date on which such motor vehicle is brought into the Republic; or
- (b) until the registration ceases to be of force and effect in terms of the Convention, whichever event is the earlier, and such vehicle may, notwithstanding anything to the contrary contained in this Part, be operated on a public road while it complies with the provisions of the Convention.

(3) If a licence of a motor vehicle contemplated in subregulation (1) or (2) is not renewed within the period of validity of such licence, such vehicle shall no longer be deemed to be registered and licensed with effect from the first day of the month following upon the month in which such period of validity has expired.

(4) If a motor vehicle contemplated in subregulation (1) or (2) is, with effect from a date after its registration and licensing in terms of the law of the prescribed territory concerned or Contracting State, ordinarily kept in a garage or at any other place in the Republic, such vehicle shall

with effect from that date no longer be deemed to be registered and licensed in terms of that subregulation.”.

Amendment of regulation 5 of the Regulations

6. Regulation 5 of the regulations is amended by the substitution for subregulation (1) of the following subregulation:

- “(1) A motor vehicle—
- (a) propelled by electrical power derived from electrical cabling affixed to the vehicle and that is not used on a public road;
 - (b) which has crawler tracks;
 - (c) which is not—
 - (i) self-propelled;
 - (ii) a caravan;
 - (iii) designed principally for the conveyance of persons or goods, or both; and
 - (iv) operated on a public road;
 - (d) which by reason of its dimensions or the mass thereof or the mass of a part thereof may not be operated on a public road in terms of the Act, and which is not so operated;
 - (e) referred to in paragraph (c) and which is drawn by a tractor whether or not it is operated on a public road;
 - (f) of which the Department of Defence is the title holder and owner;
 - (g) which is designed exclusively for racing, and includes a micro midget car or cart and a go-cart, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;
 - (h) which is a self-propelled lawnmower and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;
 - (i) which is designed exclusively to be used on a golf course and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act and for the purpose of this paragraph operate on a public road shall not include the operation of such vehicle within the confines of a golf course;
 - (j) which is a type of motor cycle on which a person stands, generally known as a motorised skateboard, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act; or
 - (k) of any particular class or type of vehicle not provided for in Parts II, III, and IV of Chapter VI, which by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act, as determined by notice in the Gazette by the Minister, after consultation with the MECs,

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

Amendment of regulation 9B of the Regulations

7. Regulation 9B of the regulations is amended by substituting the word "deregistration" in the third line of paragraph (a) with the word "registration".

Amendment of regulation 12A of the Regulations

8. Regulation 12A of the regulations is amended by the substitution for the regulation of the following regulation:

"Additional requirements for registration of motor vehicle previously deregistered as stolen

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

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

Amendment of regulation 21 of the Regulations

9. Regulation 21 of the regulations is amended—

- (a) by deleting the word "or" at the end of paragraph (f) of subregulation (1);
- (b) by inserting the word "or" at the end of paragraph (g) of subregulation (1);
- (c) by adding the following paragraph after paragraph (g) to subregulation (1):
 - "(h) which is not a tractor or a caravan and which is not originally adapted or designed for the conveyance of persons, excluding the driver only, or of goods, or both or is not adapted or designed for the conveyance of persons, excluding the driver only, or of goods, or both or,"; and
- (d) by deleting subregulation (5).

Insertion of regulation 25A in the Regulations

10. The following regulation is inserted in the Regulations after regulation 25:

"Electronic motor vehicle licensing

25A (1) If the MEC concerned deems it expedient, he or she may allow for the licensing of a motor vehicle by the owner thereof through a bank's Automatic Teller Machine (ATM) or other form of electronic means.

- (2) Upon the licensing of a motor vehicle in the manner contemplated in subregulation (1), the owner shall pay—
- (a) the appropriate motor vehicle licence fees as determined by the MEC of the Province concerned; and
 - (b) if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59.
- (3) On receipt of the licence information from the Bank concerned, the motor vehicle as referred to in subregulation (1), the Department shall licence the motor vehicle in the manner contemplated in regulation 25.”

Amendment of regulation 37 of the Regulations

11. Regulation 37 of the regulations is amended by the substitution for subregulation (1) of the following subregulation:

- “(1) The owner of a motor vehicle which has been—
- (a) reported stolen as referred to in regulation 54 (1) (c);
 - (b) reported permanently unfit for use as a motor vehicle or as permanently demolished as referred to in regulation 55 (1) (b); or
 - (c) deregistered in terms of regulation 17,

may apply for a refund of an amount calculated at one twelfth of the motor vehicle licence fees paid in respect of such motor vehicle in terms of regulation 25 (2) for every month for which the motor vehicle licence remains valid, on the day immediately preceding the day on which the owner becomes exempt from liability for licensing of the motor vehicle concerned in terms of regulation 54 (5) or 55 (4) or is deregistered in terms of regulation 17.”.

Amendment of regulation 43 of the Regulations

12. Regulation 43 of the regulations is amended by the substitution for subregulations (1) and (2) of the following subregulations:

“(1) Any manufacturer, any builder who modifies motor vehicles, or any importer, who is not required to be registered in terms of these regulations, shall apply to the inspectorate of manufacturers, builders and importers for a letter of authority on form ALA as shown in Schedule 2, in respect of every motor vehicle or every motor vehicle modification, except in respect of a trailer with a gross vehicle mass not exceeding 750 kilograms or a motor vehicle referred to in regulation 21 (c), (d), (e), (f), (g) or (h).

(2) Notwithstanding anything to the contrary contained in these regulations, a motor vehicle contemplated in subregulation (1), shall not be registered unless such manufacturer, builder or importer holds a letter of authority for such motor vehicle.”

Amendment of regulation 54 of the Regulations

13. Regulation 54 of the Regulations is amended—
- (a) by deleting the word “and” at the end of paragraph (a) of subregulation (6);
 - (b) by inserting the phrase “; and” at the end of paragraph (b) of subregulation (6); and

- (c) by adding the following paragraph to subregulation (6):
- "(c) apply for the licensing of such motor vehicle as referred to in regulation 24, which application shall be accompanied by a South African Police Service clearance of the motor vehicle and a duly completed form CCL as shown in Schedule 2."

Amendment of regulation 55 of the Regulations

14. Regulation 55 of the Regulations is amended by the substitution for paragraph (b) of subregulation (3) of the following paragraph:

- "(b) update the particulars pertaining to the motor vehicle in the register of motor vehicles;"

Insertion of regulations after regulation 64 of the Regulations

15. The following regulations are inserted in the Regulations after regulation 64:

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

64A. (1) An application for registration as an external road traffic register user shall be made in writing with a detailed motivation to the Minister.

- (2) An application, referred to in subregulation (1) shall be accompanied by-
 - (a) the acceptable identification of the applicant and that of its proxy and representative and a letter of proxy; and
 - (b) any other additional information or documents as may be required by the Minister.

Manner of registration as an external road traffic register user

64B. (1) On receipt of the application referred to in regulation 64A, the Minister shall-

- (a) ensure that such application is in order;
 - (b) require the Department to-
 - (i) evaluate the applicant; and
 - (ii) submit a recommendation in respect of the registration of the applicant;
 - (c) require the designated officer of the South African Police Service as appointed by the Vehicle Identification Section and Safeguarding Unit to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such convictions, and any such official is hereby authorised to report accordingly;
 - (d) with due regard to the evaluation and recommendations of the Department and the South African Police Service, satisfy himself or herself that the applicant is suitable to be registered; and
 - (e) after consultation with the MECs, inform the applicant of his or her decision.
- (2) If the Minister is satisfied that the applicant may be registered as an external road traffic register user, the Minister shall-

- (a) register the applicant subject to the condition as is prescribed in regulation 64C and, such other conditions as the Minister deems fit;
 - (b) record the particulars pertaining to such applicant in the register of external road traffic register users; and
 - (c) issue to such applicant a letter of confirmation of registration, which shall include the conditions referred to in paragraph (a).
- (3) If the Minister is not satisfied that the applicant may be registered as an external road traffic register user, the Minister shall notify such applicant accordingly.

Conditions for registration as an external road traffic register user

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

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

64D. (1) If the Minister intends to suspend or cancel the registration of an external road traffic register user, he or she shall notify such external road traffic register user of such intention and the reason therefore.

(2) The external road traffic register user referred to in subregulation (1), may, within 14 days from the date of issue of such notification submit a written representation to the Minister.

(3) The Minister shall after due consideration of any representation made in terms of subregulation (2), if any-

- (a) cancel the registration of the external road traffic register user concerned, or suspend such registration for such period as he or she may deem fit; or
- (b) not cancel or suspend the registration of the external road traffic register user concerned,

and notify the external road traffic register user accordingly.

(4) The external road traffic register user, of which the registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the Minister the certificate of registration.

(5) In the case where an external road traffic register user no longer desires to be registered as such, he or she shall, in writing, notify the Minister."

Amendment of regulation 69 of the Regulations

16. Regulation 69 of the Regulations is amended by the substitution for paragraph (e) of subregulation (1) of the following paragraph:

- "(e) delivery of such motor vehicle as well as one other motor vehicle that is loaded onto such motor vehicle: Provided that if any part of the motor vehicle loaded onto such motor vehicle is operated on a road, the other motor vehicle shall also display a motor trade number in the prescribed manner."

Amendment of regulation 95 of the Regulations

17. Regulation 95 of the Regulations is amended by -

(a) the substitution for paragraph (f) of subregulation (2) of the following paragraph:

"(f) as a grade F driving licence testing centre, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act and to issue a new or duplicate driving licence card contemplated in regulation 108(5)(b) or 109 or professional driving permit;" and

(b) the substitution for paragraph (g) of subregulation (2) of the following paragraph:

"(f) as a grade A, B, C, D or E driving licence testing centre shall, notwithstanding anything to the contrary contained in these regulations, be authorised to substitute a driving licence of any code issued before 1 March 1998, in terms of section 19 of the Act, or to issue a driving licence in terms of section 20 (3), 23 (4) or 24 (3) of the Act or to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or professional driving permit."

Repealing of regulation 98 of the Regulations

18. Regulation 98 of the Regulations is repealed.

Amendment of regulation 108 of the Regulations

19. Regulation 108 of the Regulations is amended—

(a) by the substitution for subregulation (1) of the following subregulation:

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

(a) complete the authorisation to issue the driving licence on form DL1, as shown in Schedule 2 and record the authorisation on the register of driving licences;

(b) indicate in the authorisation referred to in paragraph (a) whether the driving licence card should reflect an endorsement in terms of section 18 (4) of the Act;

(c) take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;

(d) affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;

(e) ensure that the same bar code number appears on form ISS and the duplicate of it;

(f) ensure that the applicant signs form ISS and the duplicate of it;

(g) retain the duplicate of form ISS for record purposes;

(h) record the barcode number of the image scanning sheet (form ISS) on the application form

submitted in terms of regulation 106 (1) and on the register of driving licences; and

(i) send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility. Provided that the tasks mentioned in paragraphs (g) to (i) may be performed by an employee of the driving licence testing centre concerned.”;

(b) by the substitution in subregulation (5) for paragraph (a) of the following paragraph:

“(a) Subject to regulation 101 (2) (a), a driving licence card shall expire five years from the date on which it has been ordered from the Card Production Facility. Provided that where a person has applied for a new driving licence card in the manner contemplated in paragraph (b) on or before the expiry date of the driving licence card held by such person, the new driving licence card shall expire five years from the date after the expiry date of the driving licence card held by such person.”; and

(c) by the substitution for subregulation (6) of the following subregulation:

“(6) (a) Notwithstanding the provisions of subregulation (5) (a), where a person has applied for a new driving licence card in the manner contemplated in subregulation (5) (b) on or before the expiry date of the driving licence card held by such person and a driving licence of the person concerned has not been suspended or cancelled, that card shall remain valid until the new driving licence card has been issued in terms of subregulation (3) but not for more than three months after the expiry date of such driving licence card.

(b) The provisions of paragraph (a) shall only apply if the holder of the driving licence card is in possession of the driving licence card previously issued to him or her and proof of the fees paid in terms of Regulation 109 (2) (c) for a new driving licence card as contemplated in Regulation 108 (1).”.

Amendment of regulation 109 of the Regulations

20. Regulation 109 of the Regulations is amended—

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) An application for a duplicate of a learner's licence shall be made by the applicant on form LL1 as shown in the Schedule 2 and an application for a duplicate driving licence card shall be made by the applicant on form DL1 as shown in Schedule 2 at any driving licence testing centre.”; and

(b) by the deletion of subregulation (4).

Amendment of regulation 114C of the Regulations

21. Regulation 114C of the Regulations is amended by the substitution for the regulation of the following regulation —

“Registration of instructor

114C. (1) If the chief executive officer is satisfied as contemplated in section 28B of the Act, he or she shall—

(a) in the case of an instructor, grade the applicant in terms of regulation 114F;

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

Amendment of regulation 114D of the Regulations

22. Regulation 114D of the Regulations is amended by the substitution for subregulations (4), (5) and (6) of the following subregulations —

- “(4) The instructor whose registration has been suspended or cancelled shall surrender his or her registration certificate forthwith to the chief executive officer.
- (5) The chief executive officer shall update the register of instructors.
- (6) After the expiry of the period of suspension, the chief executive officer shall return to the person entitled thereto, the registration certificate that was surrendered to it in terms of subregulation (4).”.

Amendment of regulation 114E of the Regulations

23. Regulation 114E of the Regulations is amended by the substitution for subregulation (4) of the following subregulation —

- “(4) If the application is granted—
 - (a) the chief executive officer shall update the register of instructors;
 - (b) the chief executive officer shall issue the new registration certificate free of charge; and
 - (c) the new registration certificate shall not be issued before the existing registration certificate has been surrendered to the chief executive officer concerned for cancellation.”.

Insertion of regulation 114F in the Regulations

24. The following regulation is inserted in the Regulations after regulation 114E:

“Grades of instructors

114F (1) The chief executive officer shall grade an instructor as—

- (a) grade A, if such instructor is competent as referred to in regulation 114B to train a person for a driving licence of any code and such instructor holds a code EC driving licence for a manual transmission and a code A driving licence;

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

Amendment of regulation 115 of the Regulations

25. Regulation 115 of the Regulations is amended by the substitution for paragraph (f) of subregulation (1) of the following paragraph:

"(f) a motor vehicle the gross vehicle mass of which exceeds 3 500 kilograms to which regulations 273 to 283 apply as contemplated in regulation 274; and".

Amendment of regulation 120 of the Regulations

26. Regulation 120 of the Regulations is amended by the substitution for the Regulation of the following regulation:

"Professional driving permit remains in force after application

120. (1) Notwithstanding the provisions of Regulation 122 (1), where the holder of a professional driving permit has applied for a new professional driving permit in the manner contemplated in Regulation 122 (2) on or before the expiry date of the professional driving permit held by such person and the professional driving permit or a driving licence of the person concerned has not been suspended or cancelled, that permit shall remain valid until the new professional driving permit has been issued in terms of Regulation 119 (3) or until such holder is notified that his or her application for a new professional

driving permit has been refused in terms of Regulation 125 (4) but not for more than four months after the expiry date of such professional driving permit.

- (2) The provisions of subregulation (1) shall only apply if the holder of the professional driving permit is in possession of the professional driving permit previously issued to him or her and proof of the fees paid in terms of Regulation 118 (2) (a) for a new professional driving permit as contemplated in Regulation 122 (2)."

Amendment of regulation 122 of the Regulations

27. Regulation 122 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

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

Substitution of regulations 128 to 137 of the Regulations

28. Regulation 128 to regulation 137 of the Regulations are hereby substituted for the following regulations

"Application to be approved to register testing station

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

127A. (1) A person or body of persons desiring to operate a testing station as contemplated in section 38, shall declare such intention in writing in an affidavit or an affirmation and submit such affidavit or affirmation and the fee as determined by the MEC concerned, to the MEC concerned.

- (2) The affidavit or statement contemplated in subregulation (1) shall contain-
- (a) the particulars of every person, or the members or directors of every juristic person in whose name such testing station shall be registered in the event that such application is approved;
 - (b) the exact location of the proposed testing station;
 - (c) the grade of testing station to be operated; and
 - (d) all matters relevant to the consideration of the suitability of such application, addressed in the agreement to be concluded between the MEC and a testing station proprietor as shown in Schedule 3.

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

127B. (1) The MEC shall consider the application referred to in regulation 127A and shall, without limiting the factors to be considered, take the following into account-

- (a) the suitability of the applicant;
- (b) the rejection of the applicant to register a testing station, by any other MEC;
- (c) the rejection of any spouse or partner of the applicant to operate a testing station;

- (d) the recommendations from the inspectorate of testing stations;
 - (e) all matters relevant to the application as stated in the concept agreement to operate a testing station as shown in Schedule 3.
- (2) The MEC may require or obtain any additional information to decide on the application.
- (3) The MEC may require that any applicant or the spouse or partner of the applicant obtain a record of previous convictions from the South African Police Services.
- (4) If the MEC is satisfied as to the suitability of the testing station he or she shall notify the applicant in writing of his or her decision to approve the application.
- (5) If the MEC is not satisfied as to the suitability of the testing station he or she shall refuse to register such testing station, and shall notify the applicant accordingly.
- (6) A person or body of persons whose application to operate a testing station has been refused by an MEC due to the unsuitability of such person or body of persons, may not apply in any other Province for the operation of a testing station as contemplated in regulation 127A.

Manner of application of approved person or body of persons to register testing station

- 128.** (1) An application by an approved person or body of persons as contemplated in regulation 127B (4) for the registration of a testing station, shall be made on form TS1 as shown in Schedule 2, and a management representative and alternative management representative shall be identified in respect of the testing station concerned.
- (2) An application as referred to in subregulation (1) shall be accompanied by acceptable identification of the applicant and of the management representatives identified under subregulation (1), and such other documentation as required to complete the agreement as shown in Schedule 3.

Requirements to be met for registration of testing station

- 129.** The requirements for registration of a testing station, are—
- (a) proven compliance with the level of technical competence required in terms of "The requirements for testing stations" as shown in Schedule 4;
 - (b) the ability to test and examine a motor vehicle in terms of "The testing and examination of motor vehicles" as shown in Schedule 5;
 - (c) a signed agreement between the MEC and the testing station proprietor reflecting the information of the agreement as shown in Schedule 3; and
 - (d) the payment of the fees as determined by the MEC of the province concerned.

Manner of registration of a testing station

- 130.** (1) The MEC shall, upon receipt of an application for registration of a testing station made in terms of regulation 128 with due regard to the evaluation and recommendations of the inspectorate of testing stations, satisfy himself or herself that the testing station concerned complies with the requirements referred to in regulation 129.
- (2) If the MEC is satisfied as to the suitability of the testing station in terms of regulations 127A and 128, he or she shall—
- (a) subject to the conditions he or she may deem fit, register and, in terms of regulation 132, grade such testing station;
 - (b) record the particulars of such testing station on the register of testing stations;
 - (c) issue a certificate of registration on form as shown in Schedule 2, to such testing station;
 - (d) provide, upon payment of the fees as determined by the MEC of the province concerned, as many forms necessary for the certification of roadworthiness of motor vehicles as requested by a testing station, if such testing station is not under the control of a registering authority; and
 - (e) give notice of the registration of the testing station in the provincial gazette concerned.

(3) A certificate of registration issued in terms of subregulation (2)(c) shall be displayed in a conspicuous place where members of the public who make use of the testing station can see such certificate.

(4) A testing station shall only be registered for the premises reflected on form TS1 and may only be operated by the testing station proprietor in whose name the testing station is registered.

Notification of change of particulars of testing station

131. (1) Subject to the previous provisions of subregulations (3), the testing station proprietor in whose name the testing station is registered, shall, upon the change of any of the particulars submitted in terms of regulations 127A and 128, notify the MEC and the inspectorate of testing stations of such change on form TS1 as shown in Schedule 2, within 14 days after such change.

(2) The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of testing stations accordingly.

(3) In the event that the testing station proprietor sell or alienate the testing station, it shall be considered as a new application and the procedure of regulations 127A shall apply.

Approval of appointment of examiner of vehicles prior to appointment

131A. (1) A testing station proprietor who desires to appoint an examiner of vehicles at a testing station, shall submit the particulars of such examiner of vehicles to the MEC, concerned for approval.

(2) The MEC shall evaluate the record, registration and grading of the examiner of vehicles referred to in subregulation (1) for his or her suitability to be appointed at the testing station concerned and shall notify the testing station proprietor of his or her decision.

(3) A testing station proprietor shall not appoint an examiner of vehicles, unless the appointment of such examiner has been approved by the MEC.

Grades of testing stations

132. (1) The MEC shall grade a testing station as a grade A or B, as the case may be, if such testing station complies with the appropriate grading requirements when it is evaluated, according to "The requirements for testing stations" as shown in Schedule 4.

- (2) (a) A grade A testing station is authorized to examine and test a motor vehicle of any class in terms of regulation 140 for roadworthiness; or
- (b) A grade B testing station is authorized to examine and test a motor vehicle of any class, excluding -
- (i) a bus, minibus or goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms; or
- (ii) any other motor vehicle the tare of which exceeds 3 500 kilograms.

- (3) The MEC may restrict a testing station to examine and test only -
- (a) vehicles owned and operated by certain persons;
- (b) vehicles of certain makes;
- (c) vehicles of certain models;
- (d) vehicles of certain classes;
- (e) vehicles with certain dimensions; or
- (f) vehicles as may be determined by the MEC concerned.

(4) The MEC may amend the grading of a testing station registered before the implementation of this regulation, if such testing station does not fully comply with the requirements in Schedule 4 and shall do so in terms of the provisions of such schedule.

Manner of suspension or cancellation of registration of a testing station

133. (1) Subject to subregulation (3) the MEC shall, upon being notified that a registered testing station does not comply with the provisions of this Act, or upon a recommendation of the inspectorate of testing stations of non-compliance satisfy himself or herself of such testing station.

(2) The MEC shall, in considering the suspension or cancellation of the registration of a testing station on any matter, other than an alleged criminal offence—

- (a) notify the testing station proprietor of the failure of such testing station to comply with the requirements of this Act; and
- (b) demand from such testing station proprietor to indicate in writing within three days from the date of the said notification—
 - (i) the reason for such failure; and
 - (ii) the details of the measures that have been taken to rectify and prevent such failure.

(3) If the MEC has any information on any alleged criminal offence committed by any testing station proprietor or an employee, agent or manager of such testing station, he or she may immediately suspend the registration of such testing station and seize any records and unused documents of such testing station.

(4) If the MEC is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the proprietor referred to in paragraph (2)(a) and may—

- (a) suspend; or
 - (b) cancel,
- the registration of such testing station.

(5) If the MEC suspends or cancels the registration of a testing station, he or she shall—

- (a) notify such testing station proprietor of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and
- (b) give notice in the Provincial Gazette of the cancellation referred to in paragraph (a).

(6) The person referred to in paragraph (2)(a) whose testing stations registration has been cancelled, shall within three days after having been notified of such cancellation, submit to the MEC—

- (a) the certificate of registration referred to in regulation 130(2)(c) issued in respect of such testing station;
- (b) any certificates held but not issued by such testing station; and
- (c) a reconciliation of forms held and issued, and blank forms.

Duties of a testing station proprietor

134. A testing station proprietor shall—

- (a) notify the MEC of the province concerned within seven days of any change in particulars or circumstances in relation to any information provided to the MEC on the testing station;
- (b) exercise proper control over the management representative, examiner of vehicles or officer employed at such testing station;
- (c) ensure that motor vehicles tested at such testing station are tested and examined in accordance with the Act;
- (d) ensure that all records are kept as required by the Act;
- (e) ensure that all records, tax clearance certificates and calibration tables are submitted to the relevant MEC; and
- (f) ensure that all documents pertaining to the road traffic legislation and SABS specifications are kept up to date and all amendments recorded.

Duties of a management representative

134A. A management representative shall—

- (a) ensure that every vehicle tested at the testing station, is tested in accordance with the provisions of the legislation;
- (b) if he or she is not the testing station proprietor, report possible deviations from the legislation, by any examiner employed at such station to the testing station proprietor.

134B. Act or omission of management representative, examiner of vehicles or employee employed by testing station operator proprietor

(1) Whenever any management representative, examiner of vehicles or employee of a testing station commits or omits an act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted such act, that testing station proprietor shall, in the absence of evidence—

- (a) that he or she did not connive at or permit such act or omission;
- (b) that he or she took all reasonable measures to prevent an act or omission of the nature concerned; and
- (c) that an act or omission of the nature of the act or omission charged did not fall within the scope of the authority of or the course of the employment as such manager, agent or employee,

be deemed himself or herself to have committed or omitted that act and be liable to be convicted and sentenced in respect thereof.

(2) Whenever any management representative, examiner of vehicles or employee of a testing station commits or omits any act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted it, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such testing station proprietor.

Transitional provision for registering testing station operating without agreement

135. A testing station that was registered prior to the implementation of this provision, shall comply with the provisions of regulation 129(c) from a date, 12 months after implementation of this regulation."

Amendment of regulation 154 of the Regulations

29. Regulation 154 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to the provisions of subregulation (2), no person shall, after 1 January 1995, operate on a public road, a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus, bus or tractor which was registered for the first time on or after 1 January 1986, unless the brakes fitted to such vehicle comply with the standard specification SABS 1207 "Motor Vehicle Safety Standard Specification for Braking", the standard specification SABS 1051 "Motor Vehicle Safety Specification for Braking" or the specification SABS ECE R13 "Uniform provision concerning approval of vehicle categories N, M and O with regard to braking".

Amendment of regulation 184 of the Regulations

30. Regulation 184 of the Regulations is amended by adding the following subregulation:

"(7) The provisions of subregulation (1) shall not apply to main beam lamps that comply with the requirements of standard specification SABS 1046 "Motor vehicle safety specification for lights and light signalling devices installed on motor vehicles and trailers", and standard specification SABS 1376 "Lights for motor vehicles", Part 2: Head lights" and which is homologated as such by the Inspectorate of Manufacturers, Importers and Builders."

Amendment of regulation 200 of the Regulations

31. Regulation 200 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

- "(2) (a) Subject to paragraph (b), no person shall operate on a public road a motor vehicle referred to in regulation 142 (1) in respect of which a roadworthy certificate is required, first registered in the Republic or any other country and into his or her name on or after 1 July 1999, or any motor vehicle first registered in the Republic or any other country and into his or her name on or after 1 January 2000, the steering wheel of which is on the left hand side.
- (b) Paragraph (a) does not apply in respect of a vehicle manufactured, built or imported by a registered manufacturer, builder or importer for the purpose of export or for the purpose of testing, assessment or development, if such vehicle is operated on a public road under an exemption in terms of section 81 of the Act."

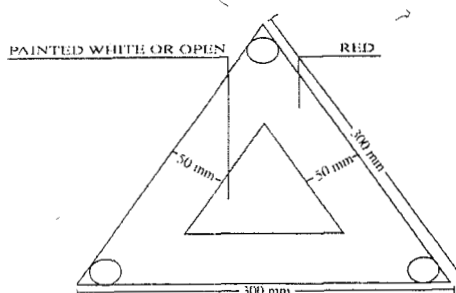
Amendment of regulation 202 of the Regulations

32. Regulation 202 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

- "(4) The provisions of subregulation (3) (a) (ii) shall not apply to an ambulance or a hearse or to windows complying with SABS ECE R43."

Amendment of regulation 214 of the Regulations**33. "Emergency warning signs (triangles)"**

- (1) For the purpose of this regulation 214(1) –
- (a) the expression "motor vehicle" excludes an ambulance or motor-car first registered before 1 July 2005, a motor cycle, motor tricycle or a motor quadrucycle;
- (b) "reflective material" means reflective material which under all circumstances is capable of reflecting light; and
- (c) the expression "warning triangle" means
- (i) for goods vehicles, minibuses and buses with a gross vehicle mass of 3 500 kilograms or less a double sided sign having the shape, design minimum dimensions and colours as illustrated hereunder and of which the red portion on each side –
- (aa) shall consist of red reflective material; or
- (bb) shall be painted red and have retro-reflectors in each corner; or



- (ii) for any other motor vehicle, a warning sign complying with the requirements of standard specifications SABS 1329 "Retro-Reflective and Fluorescent Warning Signs For Road Vehicles", Part 1: "Triangles" and bears a certification mark. Provided that in the case of a combination of motor vehicles, the emergency warning sign for every motor vehicle of such combination may be carried on the drawing vehicle.
- (2) Where a motor vehicle is for any reason stationary on the roadway or the shoulder of a public road, the driver of such vehicle shall display or cause to be displayed at least two emergency warning signs in the manner contemplated in subregulation (5).
 - (3) No person shall, without lawful cause, remove or tamper with any emergency warning sign, which is being displayed in accordance with the provisions of this regulation.
 - (4) At least one emergency warning sign shall be displayed in the following manner:
 - (a) The sign shall be placed not less than 45 metres from the motor vehicle along the roadway of the public road concerned in the direction from which traffic will approach such vehicle when travelling on the side of the roadway closest to such motor vehicle;
 - (b) the sign shall be placed approximately as far from the edge of the roadway as the transverse centre of the motor vehicle is from the edge of the roadway; and
 - (c) the reflective side of the sign shall face in the direction from which any traffic will approach.
 - (5) The provisions of subregulation (3) shall not apply where a motor vehicle is stationary—
 - (a) in a place where a road traffic sign authorises the loading or unloading of a vehicle;
 - (b) in compliance with any direction conveyed by a road traffic sign or given by a traffic officer;
 - (c) on account of other traffic on the public road concerned and while the driver occupies the driving seat of such motor vehicle; or
 - (d) in the course of events accompanying the carrying out of a State or municipal function.

Amendment of regulation 220 of the Regulations

34. Regulation 220 of the Regulations is amended by deleting subregulation 3 of the regulation.

Amendment of regulation 233 of the Regulations

35. Regulation 233 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

- "(4) Where in this regulation a reference is made to a maximum or minimum dimension, a tolerance of 10 millimeters shall apply to such dimension."

Amendment of regulation 245 of the Regulations

36. Regulation 245 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) No person shall operate on a public road a mini-bus, bus or goods vehicle of which the gross vehicle mass exceeds 3 500 kilograms unless the following particulars in respect of such mini-bus, bus or a goods vehicle are clearly imprinted or stamped on a metal plate or plates affixed in an accessible place on a door post, under the bonnet or on the dash board of the vehicle concerned or, in the case of a trailer, on the left side thereof in any conspicuous place:

- (i) The tare in kilograms (denoted as T);
- (ii) the gross vehicle mass in kilograms (denoted as GVM/BVM);
- (iii) the gross axle massload or gross axle unit massload of each axle or axle unit in kilograms (denoted as GA/BA and GAU/BAE, respectively);
- (iv) in the case of a semi-trailer the gross kingpin massload as specified by the manufacturer (denoted as GKM/BSM);
- (v) the gross combination mass in kilograms where the vehicle is used to draw any other vehicle (denoted as GCM/BKM);
- (vi) where applicable, the net power in kilowatts as determined in accordance with or calculated with due regard to code of practice SABS 013 "The determination of performance (at net power) of internal combustion engines";
- (vii) the permissible maximum vehicle mass referred to in regulation 236 in kilograms (denoted as V): Provided that this item is not applicable in respect of a semi-trailer;
- (viii) the permissible maximum axle massload referred to in regulation 234 or axle unit massload referred to in regulation 235 of each axle or axle unit in kilograms (denoted as A and AU/AE, respectively); and
- (ix) the permissible maximum drawing vehicle mass referred to in regulation 244 (c) (denoted as D/T)."

Amendment of regulation 287 of the Regulations

37. Regulation 287 of the Regulations is amended by the substitution of paragraph (c) of subregulation (1) of the following paragraph:

- "(c) be displayed substantially in conformity with:
- (i) the Southern African Development Community Road Traffic Signs Manual Volume One and Four; and
 - (ii) the South African Road Traffic Signs Manual Volume Two and Three."

Amendment of regulation 293 of the Regulations

38. Regulation 293 of the regulations is amended by substituting the word "of" after the word "kilograms" in item (ii) of paragraph (b) of subregulation (1), with the word "or".

Amendment of regulation 331 of the Regulations

39. Regulation 331 of the Regulations is hereby amended by the addition of the following subregulations after subregulation (5):

(6) The manner in which records may be kept is by electronic record or by hard copy and a hard copy may be scanned and kept as an electronic copy.

(7) Any summary or reconciliation of any records that has to be submitted to the MEC in terms of this regulation, may be submitted in electronic format."

Amendment of regulation 338 of the Regulations

40. Regulation 338 of the Regulations is amended by inserting the following paragraph after paragraph (n):

"(nA) in regulations 114A to 114F, the words "chief executive officer" mean the MEC;".

Section 32 of the Act must be amended first.

Amendment of Schedule 2 of the Regulations

41. Schedule 2 of the Regulations is amended—

- (a) by inserting form "ATD" as shown in Schedule 1 to these Regulations;
- (b) by inserting form "CCL" as shown in Schedule 1 to these Regulations;
- (c) by inserting form "COO" as shown in Schedule 1 to these Regulations;
- (d) by inserting form "CRI" as shown in Schedule 1 to these Regulations;
- (e) by inserting form "MMC" as shown in Schedule 1 to these Regulations;
- (f) by the substitution for form "RI" of form "ACR" as shown in Schedule 1 to these Regulations; and
- (g) by the substitution for form "ADV" of form "ADV" as shown in Schedule 1 to these Regulations.

Insertion of Schedule 3,4 and 5 in the Regulations

42. Schedule 3,4 and 5 as shown in Schedule 2, are inserted after schedule 2 of the Regulations.

Short title and commencement

43. (1) These Regulations are called the Seventh Amendment to the National Road Traffic Regulations, and come into operation upon publication in the *Gazette*.
- (2) Regulation 25 and 41 of the Sixth Amendment of the National Road Traffic Regulations issued in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996) as published in Government Notice No R. 1341 of 25 September 2003, will come into operation upon publication of these Regulations in the *Gazette*.