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## GENERAL NOTICE

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**NOTICE 458 OF 2012**  
**DEPARTMENT OF TRANSPORT**

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

**AMENDMENT OF THE NATIONAL ROAD TRAFFIC REGULATIONS**

I, **Sibusiso Joel Ndebele**, Minister of Transport, acting in terms of section 75 (6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith publish the regulations in the Schedule for comments; All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments, within four weeks from the date of publication of this Notice to:

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**Sibusiso Joel Ndebele**  
**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, R. 1341 of 25 September 2003, R. 881 of 23 July 2004, R871 of 2 September 2005, R1066 of 23 November 2005, R1318 of 2 December 2005, R1319 of 2 December 2005, R891 of 4 September 2006, R964 of 29 September 2006, R404 of 4 May 2007 and R865 of 28 September 2007, R589 of 27 May 2009, R359 of 12 May 2010 and R541 of 29 June 2011.

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by—

(a) the substitution for the definitions of "**adapter dolly**" of the following definition:

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

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

(b) the insertion after the definition of "**axle-massload**" of the following definition:

"**block booking**" means the allocation of a number of unallocated appointments to a specific person or persons;"

(c) the insertion after the definition of "**certification of roadworthiness**" of the following definitions:

"**consignee**" in relation to goods transported or to be transported by a vehicle means the person who is named or otherwise identified as the intended consignee of more than 100 000

kilograms of goods in a month in the goods declaration for the consignment and who actually receives such goods after they are transported by road;”;

“**consignor**” means a person who is named or otherwise identified as the consignor of goods in the goods declaration relating to the transportation of more than 100 000 kilograms of goods in a month by road or engages an operator of a vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road or has possession of, or control over, the goods immediately before the goods are transported by road or loads a vehicle with the goods, for transport by road, at a place where goods are stored in bulk or temporarily held but excludes a driver of the vehicle, or any person responsible for the normal operation of the vehicle during loading;”;

(d) the substitution for the definition of “**emergency vehicle**” of the following definition:

“**emergency vehicle**” means a fire-fighting vehicle, rescue vehicle, ambulance, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service or a member of a municipal police service, both as defined in the South African Police Services Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties, and a vehicle driven by a person responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002);”;

(e) by the substitution for the definition of “**goods vehicle**” of the following definition:

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

(f) the insertion after the definition of “**certification of roadworthiness**” of the following definition:

“**reserve booking**” means a failure by a registered driving licence testing centre to allocate the first available booking to an applicant for a learner’s or driving licence;”;

(g) the substitution for the definition of “**service brake**” of the following definition:

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

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

(h) the substitution for the definition of **"permanently demolished"** of the following definition:

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

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

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

(i) the insertion after the definition of **“vintage motor vehicle”** of the following definitions:

**“weighbridge facility”** means a facility with a mass measuring apparatus that has been evaluated by the inspectorate of weighbridges facility in compliance with SANS1649 and registered in terms of this Act to determine the tare of a motor vehicle;”;

**“weighbridge operator”** means a person registered in terms of this Act and is authorised to operate a mass measuring apparatus;”.

### **Amendment of regulation 2 of the Regulations**

**3.** Regulation 2 of the Regulations is hereby amended by the addition of the following paragraph after paragraph (b) of subregulation (1):

“(c) grade C, if the diploma referred to in section 3D (1) of the Act indicates that such examiner is qualified to examine and test a motor vehicle of any class, except for a motorcycle, a motor tricycle, a goods vehicle or bus, the gross vehicle mass of which exceeds 3 500 kilograms, and such examiner holds a code EB driving licence for a manual transmission.”.

### **Amendment of regulation 7 of the Regulations**

**4.** Regulation 7 of the Regulations is hereby amended by the addition of the following subparagraph after subparagraph (viii) of paragraph (a) of subregulation (1):

“(ix) on the date of issue of a temporary permit issued in terms of regulation 84.”.

### **Amendment of regulation 8 of the Regulations**

**5.** Regulation 8 of the Regulations is hereby amended by-

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

“(d) if the motor vehicle is registered, the registration certificate concerned, or the certificate referred to in regulation 13B (2)(d): Provided that the provisions of this paragraph shall not apply to an applicant-”;

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

“(g) in the case of a vehicle to which standard specification SANS 1518 “Transportation of dangerous goods – design of vehicles, tanks and accessories for the transport of dangerous goods” applies, a certificate of compliance shall be issued by the manufacturer confirming compliance to the standard and the certificate of compliance shall be approved by the competent authority as stipulated in SANS 1518.”.

### **Amendment of regulation 13 of the Regulations**

6. Regulation 13 of the Regulations is hereby amended by-

- (a) the insertion of the following subregulation after subregulation (4):

“(4A) A motor vehicle shall be recorded as “new” in the register of motor vehicles if-

- (a) it is being registered and is liable for licensing for the first time and it has been manufactured or imported by a manufacturer or importer that had been registered as such: Provided that if manufactured, it was manufactured in whole using new parts;
- (b) it is being registered and is liable for licensing for the first time in the Republic and it has been imported by an importer that is not required to be registered as such and was previously registered as “new” in the name of the importer in the country of origin or is being registered for the first time;  
or
- (c) it was previously registered as “new” and licensed and no change of owner has occurred.

Provided that if the motor vehicle was registered in another country, the date of first registration of such motor vehicle must be captured in the register of motor vehicles.”.

- (b) the substitution for subregulation (5) of the following subregulation:

“(5) A motor vehicle shall be recorded as “used” in the register of motor vehicles if-

- (a) it is currently registered as "new" or "used" and is not liable for licensing;
- (b) it was previously registered as "new" or "used" and was deregistered in terms of regulation 26A or 54 (4); or
- (c) it was previously exempt from registration in terms of regulation 5 and such exemption no longer applies or has been withdrawn."

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

"(6) A motor vehicle shall be recorded as "allowed to convey dangerous goods" in the register of motor vehicles if standard specification SANS 1518 "Transportation of dangerous goods—design of vehicles, tanks and accessories for the transport of dangerous goods", applies to such vehicle."

#### **Substitution of regulation 13A of the Regulations**

7. Regulation 13A of the Regulations is hereby amended by the substitution for regulation 13A of the following regulation:

#### **"13A. Prohibition of registration of permanently demolished motor vehicle**

A motor vehicle which was deregistered in terms of regulation 55 as permanently demolished, shall not be registered and its parts shall not be used to build or repair any motor vehicle."

#### **Insertion of regulation 13B in the Regulations**

8. The following regulation is inserted after regulation 13A of the Regulations:

#### **"13B. Manner of electronic registration of motor vehicle**

(1) Application for electronic registration and updating of register of motor vehicles may be made by a title holder who has authorised access to the register of motor vehicles.

(2) The title holder as contemplated in subregulation (1) shall-

- (a) register the motor vehicle concerned;
- (b) record in the register of motor vehicles, using the electronic registration transaction, the particulars in relation to the-
  - (i) motor vehicle concerned; and
  - (ii) title holder and owner of such motor vehicle;
- (c) pay the appropriate registration fees as determined by the MEC of the province concerned; and
- (d) issue a certificate on form RC2 as shown in Schedule 2 or on a form similar to form RC2 on the official documentation of such financial institution, indicating the particulars of the motor vehicle and new title holder, upon disposal of the motor vehicle concerned.”.

### **Amendment of regulation 15 of the Regulations**

**9.** Regulation 15 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) A manufacturer or importer who is an agent of a registering authority, shall, within seven days from the date of liability referred to in regulation 7(1) introduce the motor vehicle manufactured or imported, as the case may be, by such manufacturer or importer, by recording the particulars in relation to—

- (a) the motor vehicle concerned; and
- (b) the title holder and owner of such motor vehicle,

in the register of motor vehicles and such introduction shall be deemed to be registration of the vehicle for the purpose of section 5(5) of the Act, except where a vehicle is introduced onto the register of motor vehicles with a pre-homologated number.”.

**Substitution of regulation 20 of the Regulations**

**10.** Regulation 20 of the Regulations is hereby amended by the substitution for regulation 20 of the following regulation:

**“20. Motor vehicle exempt from licensing**

A motor vehicle which is exempt from registration in terms of regulation 5 shall not be required to be licensed in terms of this Part.”.

**Amendment of regulation 21 of the Regulations**

**11.** Regulation 21 of the Regulations is hereby amended by-

(a) the deletion of paragraph (g) of subregulation (1);

(b) the substitution for paragraph (h) of subregulation (1) of the following paragraph:

“(h) which is not a tractor, motor home or a caravan and which has not been originally designed or adapted for the conveyance of persons, excluding the driver and, in the case of a motor vehicle the gross vehicle mass of which exceeds 3 500 kilograms, excluding the driver and one passenger, or goods, or both;”.

**Amendment of regulation 25 of the Regulations**

**12.** Regulation 25 of the Regulations is hereby amended by-

(a) the addition of the following paragraph after paragraph (g) of subregulation (7):

“(h) the owner of which has failed to comply with the requirements of regulation 32A (1) and (3).”; and

(b) the addition of subregulation (9) after subregulation (8):

“(9) A motor vehicle licence disc shall be issued on form MVLX, as shown in Schedule 2, to motor vehicles referred to in regulation 21 (1) (a) and (b).”.

**Insertion of regulation 32A of the Regulations**

**13.** The following regulation is inserted after regulation 32 of the Regulations:

**"32A Verification of address particulars**

(1) Subject to paragraphs (2) and (3), a person or body of persons who is registered on the NaTIS or wishes to make use of the NaTIS services shall, after a period of 12 months from the date of publication of this regulation in the Gazette, submit proof of-

- (a) full names;
- (b) date of birth;
- (c) identity number; and
- (d) residential and postal address.

(2) The Minister may—

- (a) determine different dates for compliance with provisions of subregulation (1) in respect of different categories of persons; and
- (b) extend any date as determined in paragraph (a).

(3) A person or body of persons shall submit proof of change of particulars within 21 days, as required in subregulation (1) to the appropriate registering authority of such person or body of persons."

**Amendment of regulation 44 of the Regulations**

**14.** Regulation 44 of the Regulations is hereby amended by the addition of the following paragraphs after paragraph (g) of subregulation (1):

- "(h) may suspend or cancel the model number of the models of motor vehicles manufactured, modified or imported if such manufacturer, builder or importer is in arrears of any fees payable to the inspectorate of manufacturers, builders or importers for a period exceeding 60 days."

- “(i) may, for the purpose of the registration of vehicles that are exempt from registration in terms of regulation 5, issue such models of motor vehicles with a pre-homologated model number.”.

### **Substitution of regulation 46 of the Regulations**

**15.** Regulation 46 of the Regulations is hereby amended by the substitution for regulation 46 of the following regulation:

#### **“46. Procedure for change of particulars of registered manufacturer, builder or importer**

(1) If there is any change of name, street or postal address, proxy, representative or acceptable identification of a registered manufacturer, builder or importer, such manufacturer, builder or importer shall, within 21 days after the date of such change-

- (a) notify the chief executive officer and the inspectorate of manufacturers, builders and importers of such change on form MIB as shown in Schedule 2; and
- (b) submit proof, of such change in terms of regulation 32A(3),

failure to comply with the provisions of this subregulation may result in the registration of the manufacturer, builder or importer, or the model numbers of models of motor vehicles manufactured, modified or imported being suspended or cancelled by the inspectorate of manufacturers, builders and importers.

(2) On receipt of the notification referred to in subregulation (1), the chief executive officer or the inspectorate of shall evaluate the notification and if satisfied that such notification is in order, he or she shall-

- (a) update the particulars pertaining to such applicant in the register of manufacturers, builders and importers; and
- (b) notify the manufacturer, builder or importer accordingly.

(3) If the chief executive officer is not satisfied that the notification referred to in subregulation (2) is in order he or she may, inform the manufacturer, builder or importer to make a new application on form MIB as shown in Schedule 2 and such application shall be accompanied by-

- (a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees as determined by the MEC of the province concerned;
- (bA) proof of value added tax registration with the South African Revenue Services;
- (c) in the case of an importer of motor vehicles, the Customs Code Number of the applicant as issued by the South African Revenue Services in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and
- (d) any other information or documents as may be required by the chief executive officer.

(4) On receipt of the application referred to in subregulation (3) the chief executive officer shall-

- (a) ensure that such application is in order;
- (b) if he or she deems it necessary require the inspectorate of manufacturers, builders and importers to-
  - (i) evaluate the applicant in respect of compliance with the legislation, standards specifications and codes of practice applicable in respect of motor vehicles in force in the Republic; and

- (ii) submit a recommendation in respect of the registration of the applicant;
- (c) require a 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 inspectorate of manufacturers, builders and importers and the South African Police Service, if satisfied that the applicant may be registered as a manufacturer, builder and importer, he or she shall-
  - (i) update the particulars pertaining to such applicant in the register of manufacturers, builders and importers; and
  - (ii) issue to such applicant a certificate of registration on form MCR as shown in Schedule 2; and
- (e) if the chief executive officer is not satisfied that the application comply with the requirements of this regulations, he or she shall notify the manufacturer, builder and importer accordingly.

### **Insertion of regulation 50A in the Regulations**

**16.** The following regulation is inserted after regulation 50 of the Regulations:

#### **"50A. Procedure for change of particulars of registered manufacturer of number plates**

(1) If there is any change of name, street or postal address, proxy, representative or acceptable identification of the registered manufacturer of number plates, such manufacturer of number plates shall, within 21 days after such change, notify the MEC on form MNP as shown in

Schedule 2 of such change.

(2) On receipt of the notification referred to in subregulation (1), the MEC shall evaluate the notification and if satisfied that such notification is in order, the MEC shall-

- (a) update the particulars pertaining to such applicant in the register of manufacturers of number plates; and
- (b) notify such manufacturer of number plates accordingly.

(3) If the MEC is not satisfied with the notification referred to in subregulation (2) the MEC may, if deemed necessary, inform the manufacturer of number plates to make a new application on form MNP as shown in Schedule 2 and such application shall be accompanied by-

- (a) acceptable identification of the applicant and if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) appropriate fees as determined by the MEC of the province concerned; and
- (c) any other additional information or documents as may be required by the MEC.

(4) On receipt of the application referred to in subregulation (3) the MEC shall-

- (a) ensure that such application is in order;
- (b) if he or she deems it necessary require the inspectorate of manufactures of number plates to-
  - (i) evaluate the applicant in respect of compliance with the legislation, standards specifications and codes of practice applicable in respect of manufacturing of number plates in force in the Republic; and
  - (ii) submit a recommendation in respect of the registration of the applicant;
- (c) after evaluation and recommendations of the inspectorate of manufacturers of number plates, if satisfied that the applicant may be registered as a

manufacturers of number plates, the MEC shall-

- (i) update the particulars pertaining to such applicant in the register of manufacturers of number plates; and
  - (ii) issue to such applicant a certificate of registration on form CRNPM as shown in Schedule 2;
- (d) if the MEC is not satisfied that the application comply with the provisions of this regulations, he or she shall notify the manufacturers of number plates accordingly.

#### **Amendment of regulation 52 of the Regulations**

**17.** Regulation 52 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) If the postal or street address, proxy or representative of the title holder or owner of a motor vehicle which is registered in terms of these regulations, changes, such title holder or owner shall, within a period of 21 days after such change-

- (a) notify the appropriate registering authority of such change on form NCP as shown in Schedule 2; and
- (b) submit proof, of such change as contemplated in regulation 32A(3).”.

#### **Amendment of regulation 54 of the Regulations**

**18.** Regulation 54 of the Regulations is hereby amended by-

- (a) the substitution for paragraph (d) of subregulation (1) of the following paragraph:

“(d) submit the registration certificate or the certificate referred to in regulation 13B (2)(d) of the motor vehicle concerned to the registering authority concerned, if such certificate is in such owner’s possession.”.

(b) the substitution for paragraph (b) of subregulation (3) of the following paragraph:

“(b) if the registration certificate of such motor vehicle has not been submitted by the owner under subregulation (1)(d), submit such certificate or the certificate referred to in regulation 13B (2)(d) and the notification referred to in paragraph (a) to the appropriate registering authority.”.

### **Amendment of regulation 55 of the Regulations**

**19.** Regulation 55 of the Regulations is hereby amended by-

(a) the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) submit the registration certificate or the certificate referred to in regulation 13B (2)(d) of the motor vehicle concerned to the appropriate registering authority, if such certificate is in such owner’s possession.”.

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

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

- (a) within three months after the date on which such motor vehicle has become permanently unfit for use, notify the appropriate registering authority, on form ADV as shown in Schedule 2, that such motor vehicle is permanently unfit for use as a motor vehicle;
- (b) within three months after the date on which such motor vehicle has been permanently demolished, notify the appropriate registering authority, on form ADV1 as shown in Schedule 2, that such motor vehicle has been permanently demolished;

- (c) if the registration certificate of such motor vehicle has not been submitted by the owner in terms of subregulation (1)(c), submit such certificate or the certificate referred to in regulation 13B (2)(d) and the notification referred to in paragraph (a) or (b) to the appropriate registering authority;
  - (d) submit an affidavit containing the details of the vehicle being deregistered as demolished; or
  - (e) submit a certification of demolition containing the details of:
    - (i) where the vehicle was demolished;
    - (ii) the date when the vehicle was demolished; and
    - (iii) the name and address of the body that operates the demolition equipment.”.
- (c) the substitution for subregulation (3) of the following subregulation:
- “(3) On receipt of a notification referred to in subregulation (1)(b), (2)(a), (2)(b), (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), (2)(b) or (7)(a) issue a deregistration certificate on form VDC as shown in Schedule 2 to the title holder of the motor vehicle concerned.”; and
- (d) the substitution for subregulation (7) of the following subregulation:

“(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) or 2(b), 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 ADV1 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).”.

### **Insertion of regulation 56A in the Regulations**

**20.** The following regulation is inserted after regulation 56 of the Regulations:

#### **“56A. Vehicle Identification Number to be affixed to a motor vehicle**

“No person shall operate on a public road a motor vehicle manufactured after 1 December 2012, unless such motor vehicle is fitted with a metal plate or a self-adhesive tamperproof metal or plastic label, where the vehicle identification number is clearly imprinted or stamped and such plate or plastic label shall be affixed in an accessible place on a door post, under the bonnet or on the frame of the vehicle concerned or in the case of a trailer, on the left side thereof in any conspicuous place, which shall not be removed, altered, obliterated or mutilated and which cannot be transferable from one vehicle to another.

Provided that a vehicle with a combined vehicle identification number and mass data plate complies with the requirements of this regulation.”.

### **Amendment of regulation 65 of the Regulations**

**21.** Regulation 65 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) If the owner of a motor vehicle, other than a manufacturer, importer or builder of a new motor vehicle, intends to export such motor vehicle, such owner shall obtain a written or an electronic authorisation from the title holder of the intent to export such motor vehicle.”.

### **Amendment of regulation 66 of the Regulations**

**22.** Regulation 66 of the Regulations is hereby amended by-

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

“(1) A mass measuring certificate issued on a form similar to form MMC, or on form MMC as shown in Schedule 2, shall be obtained by the applicant at his or her own expense from a person in charge of a registered weighbridge facility.”; and

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

“(2) The tare of a motor vehicle referred to in subregulation (1), shall be determined in the presence of a registered weighbridge operator employed at the facility referred to in subregulation (1).”.

### **Insertion of regulation 66A to 66C in the Regulations**

**23.** The following regulations 66A to 66C are inserted after regulation 66 of the Regulations:

#### **“66A. Manner of application for registration as weighbridge facility**

(1) An application for the registration of a weighbridge facility shall be made on form WF1 as shown in Schedule 2.

(2) An application referred to in subregulation (1) shall be accompanied by-

- (a) the acceptable identification of the applicant and if such applicant is a body of persons, that of its proxy and representative and a letter of proxy.
- (b) the appropriate fees as determined by the MEC of the province concerned
- (c) any other additional information or documents as may be required by the MEC.”.

**66B. Manner of registration of a weighbridge facility**

(1) On receipt of an application for the registration as a weighbridge facility, the MEC shall—

- (a) ensure that such application is in order;
- (b) require the inspectorate of weighbridge facilities to—
  - (i) evaluate the applicant in respect of compliance of the equipment of such applicant; and
  - (ii) submit a recommendation in respect of the registration of such applicant;
- (c) with due regard to the evaluation and recommendation of the inspectorate of weighbridges facility, satisfy himself or herself that the applicant is suitable to be registered; and
- (d) satisfy himself or herself that the registration of the weighbridge facility has not been suspended or cancelled for a reason that is still valid.

(2) If the MEC is satisfied that the applicant may be registered as a weighbridge facility, he or she shall —

- (a) register the applicant with such conditions that he or she deems fit;
- (b) record the particulars pertaining to such applicant on the register of weighbridge facilities; and
- (c) issue to such applicant a certificate of registration on form WCR as shown in Schedule 2, which shall reflect the conditions referred to in paragraph (a).

(3) If the MEC is not satisfied that the applicant may be registered as a weighbridge facility, he or she shall notify the applicant accordingly.

(4) A registered weighbridge facility shall, at any time, be subject to an evaluation by the inspectorate of weighbridge facilities.”

**66C. Manner of suspension or cancellation of registration of weighbridge facility**

(1) If the MEC intends to suspend or cancel the registration of a weighbridge facility, he or she shall notify such weighbridge facility of such intention and the reason thereof.

(2) The weighbridge facility referred to in subregulation (1), may, within 21 days after receipt of the notification referred to in that subregulation, make a written representation to the MEC.

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

- (a) cancel the registration of the weighbridge facility concerned, or suspend such registration for such period as he or she deems fit; or
- (b) not cancel or suspend the registration of the weighbridge facility concerned and notify the weighbridge facility accordingly.

(4) The weighbridge facility, of which the registration has been cancelled, shall within 14 days after of having been notified of such cancellation, submit to the MEC the certificate of registration.”.

**Amendment of regulation 69 of the Regulations**

**24.** Regulation 69 of the Regulations is hereby amended by the addition of the following paragraph after paragraph (c) of subregulation (1):

- “(d) delivery of such motor vehicle, for examination and testing by examiner of vehicles.”.

**Amendment of regulation 79 of the Regulations**

**25.** Regulation 79 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) If the postal or street address, proxy or representative of the holder of a motor trade number changes, such holder shall, within 21 days after such change-

- (a) notify the appropriate registering authority of such change on form NCP or MTN1 as shown in Schedule 2; and
- (b) submit proof, in terms of regulation 32A(3), of such change.”.

#### **Amendment of regulation 84 of the Regulations**

**26.** Regulation 84 of the Regulations is hereby amended by-

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

“(1) A person who desires to operate on a public road a motor vehicle which is to be registered and licensed in the Republic in terms of Chapter III of this Act, but has not been registered and licensed or is registered in terms of Chapter III of this Act but not licenced, or which may not otherwise be operated on a public road, may-”;

- (b) the substitution for subparagraph (i) of paragraph (b) of subregulation (1) of the following subparagraph:

“(i) testing such motor vehicle within the Republic;”;

#### **Amendment of regulation 99 of the Regulations**

**27.** Regulation 99 of the Regulations is amended-

- (a) by the substitution for paragraph (b) of subregulation (1):

“(b) Code 2: Motor vehicle, other than a motor cycle or tricycle the tare of which does not exceed 3500 kilograms, a minibus, midibus, bus or goods vehicle the gross vehicle mass of which does not exceed 3 500 kilograms, an articulated motor vehicle or combination of a motor vehicle and trailer of which the gross combination mass of the truck-tractor, haulage tractor or drawing vehicle does not exceed 3500 kilograms, or a tractor; and”;

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

“(a) the categories of driving licences are indicated by the codes mentioned in the first column of the table below, each of which pertains to the classes of motor vehicles mentioned against it in the second column of the table, and authorises the holder of such code to drive the motor vehicles mentioned against it in the said second column and third column of the table: Provided that for the purposes of this subregulation the term “goods vehicle” does not include a haulage tractor:

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

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

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

EC1	<p>A motor vehicle, excluding a motor cycle, motor tricycle, tractor, haulage tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being—</p> <p>(i) an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 3 500 kilograms but does not exceed 16 000 kilograms;</p> <p>(ii) a combination of—</p> <p>(aa) a motor vehicle the tare of which exceeds 3 500 kg but does not exceed 16 000 kg; or</p> <p>(bb) a minibus, midibus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms but does not exceed 16 000 kilograms, with a trailer the gross vehicle mass of which exceeds 750 kilograms.</p>	Includes authorisation to drive any motor vehicle for which a code B, C1 or EB driving licence is required.
EC	<p>A motor vehicle, excluding a motor cycle, motor tricycle, tractor, haulage tractor and a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, being—</p> <p>(i) an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 16 000 kilograms;</p> <p>(ii) a combination of a bus or goods vehicle, the gross vehicle mass of which exceeds 16 000 kilograms,</p> <p>with a trailer the gross vehicle mass of which exceeds 750 kilograms.</p>	Includes authorisation to drive any motor vehicle for which a code B, C1, C, EB or EC1 driving licence is required and a haulage tractor.

**Substitution of regulation 107 of the Regulations**

28. Regulation 107 of the regulations is hereby amended by the substitution for regulation 107 of the following regulation:

**"107. Manner and contents on which applicant for provisional driving licence to be examined and tested**

(1) An applicant for a provisional driving licence shall be examined and tested by an examiner for driving licences.

(2) The examiner for driving licences shall by observation, inquiry and practical test, satisfy himself or herself that the applicant—

- (a) holds a learner's licence which authorises him or her to drive the class of motor vehicle to which his or her application relates;
- (b) knows and understands the road traffic signs;
- (c) has a sound knowledge of the rules of the road and the different signals which a driver of a motor vehicle is required to give when driving on a public road;
- (d) is not subject to any disqualification referred to in section 15 of the Act or regulation 102; and
- (e) is generally capable of driving a motor vehicle of the class to which the application relates.

(3) In the case where a person applies for a provisional driving licence which authorises him or her to drive an articulated motor vehicle, or a combination of a motor vehicle and trailer, the practical test shall be conducted while the semi-trailer is attached to the truck-tractor, or the trailer is attached to the drawing vehicle, as the case may be: Provided that for the purpose of testing an applicant for a driving licence a haulage tractor may not be used to conduct the test.

(4) For the purposes of subregulation (2) an applicant shall not be required to undergo a written test.

(5) An examiner for driving licences shall in compliance with the provisions of paragraph (e) of subregulation (2)—

- (a) in the case of a code B provisional driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 1 – Light Motor Vehicles" published by the Minister by notice in the *Gazette*;
- (b) in the case of a code C1, C, EC1 or EC provisional driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 2 – Heavy Motor Vehicles", published by the Minister by notice in the *Gazette*;
- (c) in the case of a code A1 or A provisional driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle drivers, Volume 3 – Motor Cycles" published by the Minister by notice in the *Gazette*; and
- (d) in the case of a code EB provisional driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle driver, Volume 4 – Light Motor Vehicles Combination" published by the Minister by notice in the *Gazette*.

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

#### **Insertion of regulation 107A to 107C in the Regulations**

**29.** The following regulations 107A to 107C are inserted after regulation 107 of the Regulations:

##### **"107A. Manner and conditions for holding a provisional driving licence**

(1) The provisional driving licence will be suspended for a period of 24 months if the holder has within the period of 12 months after obtaining such licence-

- (a) commit six traffic related offences;
- (b) being found guilty for driving under the influence of intoxicating liquor or drug having narcotic effect, or with an alcohol in blood or breath;
- (c) exceeded the prescribed speed limit;
- (d) operated a motor vehicle which exceeded the number of persons on any seat of the vehicle for which the seating capacity is provided for;
- (e) operated a motor vehicle between midnight and four am; or
- (f) not completed the provisional driving licence logbook as shown in Schedule 2, on all trips undertaken within a driving time of a minimum of 60 hours.

(2) The holder of a provisional driving licence shall drive a motor vehicle displaying a red letter "P" which is clearly visible facing out from the rear of the vehicle in a manner that the letter "P" is clearly visible and the colour is distinguishable from a distance of 20 metres behind the vehicle."

**107B. Conditions for obtaining a driving licence**

- (1) The applicant must be on probation for a period not exceeding 12 months.
- (2) The applicant shall be granted a driving licence if he or she-
  - (a) holds or has previously held a provisional driving licence issued in accordance with the provisions of this Act;
  - (b) submit a duly completed provisional driving licence logbook as shown in Schedule 2, signed by the applicant and an authorised officer or officers; and
  - (c) holds a provisional driving licence which is not suspended."

**107C. Manner and contents on which a person who already is in possession of a valid driving licence can be evaluated**

(1) A person who applies for an evaluation for determining whether he or she is still capable of holding a driving licence for a motor vehicle of the class to which such licence relates after a physical defect which is likely to render him or her incapable of effectively driving and controlling a motor vehicle, shall be evaluated by an examiner for driving licences.

(2) The examiner for driving licences, shall by observation, inquiry and practical evaluation, satisfy himself or herself that the applicant-

- (a) holds a driving licence which authorises him or her to drive the class of motor vehicle to which his or her application for evaluation relates;
- (b) holds a medical report issued by a registered occupational medical practitioner or a person who holds a qualification in occupational health recognised as such by the Health Professions Council of South Africa as referred to in the Health Professions Act, 1974 (Act No. 56 of 1974); and
- (c) in a case of a modified motor vehicle to be used for the evaluation, holds a builders certificate issued by a registered manufacturer, builder or importer.

(3) An examiner for driving licences shall-

- (a) in the case of a code B driving licence, evaluate the competency of an applicant according to the manual of the Department "EK53 Practical competency evaluation driving test for a person who is in possession of a valid driving licence, Volume 1 - Light Motor Vehicles" published by the Minister by notice in the *Gazette*;
- (b) in the case of a code C1, C, EC1 or EC driving licence, evaluate the competency of an applicant according to the manual of the Department "EK53 Practical competency evaluation driving test for a person who is in possession of a valid driving licence, Volume 2 - Heavy Motor Vehicles" published by the Minister by notice in the *Gazette*;
- (c) in the case of a code A1 or A driving licence, evaluate the competency of an

applicant according to the manual of the Department "EK53 Practical competency evaluation driving test for a person who is in possession of a valid driving licence, Volume 3 – Motor Cycles" published by the Minister by notice in the *Gazette*; and

- (d) in the case of a code EB driving licence, evaluate the competency of an applicant according to the manual of the Department "EK53 Practical competency evaluation driving test for a person who is in possession of a valid driving licence, Volume 4 – Light Motor Vehicles Combination" published by the Minister by notice in the *Gazette*.

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

### **Substitution of regulation 108 of the Regulations**

**30.** Regulation 108 of the regulations is amended by the substitution for regulation 108 of the following regulation:

#### **"108. Manner of issue of a driving licence**

(1) A driving licence testing centre shall forthwith, after the applicant has complied with the provisions of regulation 107B or in the case of an application in terms of subregulation (5) (b) or regulation 109, and if it is satisfied that the applicant must be issued with a driving licence and that the applicant is not disqualified from holding a provisional driving licence as contemplated in section 15 (1) (f) (vi) of the Act read with regulation 102—

- (a) complete the authorisation to issue the driving licence on form DL1, as shown in Schedule 2 and record the authorisation on the register of driving licences;
- (b) indicate in the authorisation referred to in paragraph (a) whether the driving licence card should reflect an endorsement in terms of section 18 (4) of the Act;
- (c) except for in the circumstances mentioned in paragraph (d), the examiner

for driving licences shall—

- (i) take an imprint of the left thumb and right thumb of the applicant, and should the applicant not have a left or right thumb, an imprint of such fingers as specified by the image capturing system, the identification of which shall be noted on the image capturing system;
- (ii) capture the photographic image of the applicant on the image capturing system depicting only the head and shoulders of the applicant and showing the applicant's full face and subject to regulation 103 (1) (a) (vii), showing the applicant without headgear;
- (iii) capture the signature image of the applicant on the image capturing system;
- (iv) ensure that the applicant's vision complies with the requirements referred to in regulation 102 by using the image capturing system. Provided that should the applicant fail the automated vision test, the verbal vision test shall be used;
- (v) print the image capture sheet on form ICS as shown in Schedule 2 from the image capturing system;
- (vi) record the barcode number on the image capture sheet on the application form submitted in terms of regulation 106 (1);
- (vii) in the case of an application referred to in section 18 (1) of the driving licences;
- (viii) in the case of an application referred to in section 18 (1) of the Act, record the code of the driving licence to be issued and the barcode number on the image capture sheet onto the register of driving licences;
- (ix) retain the image capture sheet for record purposes; and

- (x) send the disk containing the finger print images, signature and photograph to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.

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

- (d) only in the case where the driving licence testing centre concerned has not been equipped with an image capturing system or in the case where the driving licence testing centre concerned has been equipped with one or more image capturing systems and all or at least two such image capturing systems are not available due to a failure and such failure has been reported according to the call logging procedures or in the case where the MEC has specifically given authority to the driving licence testing centre to use this procedure, the examiner for driving licences shall—
  - (i) ensure that the applicant's vision complies with the requirements referred to in regulation 102;
  - (ii) take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;
  - (iii) affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;
  - (iv) ensure that the same barcode number appears on form ISS and the duplicate of it;

- (v) ensure that the applicant signs form ISS and the duplicate of it;
- (vi) retain the duplicate of form ISS for record purposes;
- (vii) record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106 (1);
- (viii) in the case of an application referred to in section 18 (1) of the Act, record the test results of the driving licence test onto the register of driving licences
- (ix) in the case of an application referred to in section 18 (1) of the Act, record the code of the driving licence to be issued and the barcode number on the image scanning sheet onto the register of driving licences
- (x) retain the image scanning sheet for record purposes; and
- (xi) send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.

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

(1A) The driving licence testing centre shall pay over to the Card Production Facility such part of the fee, referred to in subregulation (1), payable in accordance with the agreement between that Facility and the Corporation, the amount of which shall be R75,00 for every issuance of a driving licence card or professional driving permit the application of which is received on or after 1 November 2010.

- (2) (a) On receipt of the disk referred to in subregulation (1) (c) (viii) or form ISS referred to in subregulation (1) (d) (vii) and the order for the driving licence card, the Card Production Facility shall, if the images recorded onto the disk or image scanning sheet concerned are accepted—
- (b) If the images recorded onto the disk or image scanning sheet concerned are not accepted by the Card Production Facility, the applicant shall again report to the driving licence testing centre for the repeat of subregulation (1) (c) or, if approved by the driving licence testing centre, submit a further two photographs of himself or herself that comply with regulation 103 (1) upon receipt of which the examiner for driving licences shall repeat subregulation (1) (d).
- (3) On receipt of the driving licence card referred to in subregulation (2), the driving licence testing centre shall—
- (a) record the receipt of the driving licence card on which the driving licence appears in the register of driving licences;
- (b) notify the applicant on form NCD as shown in Schedule 2, to collect the driving licence card at the centre;
- (c) after presentation of the applicant's acceptable identification and the submission of every licence and professional driving permit held by the applicant, issue such driving licence card to the applicant;
- (d) if the applicant so requires, stamp and sign a copy of the previous licence, which is submitted with form NCD as shown in Schedule 2, so that it may be retained by the applicant as proof of the previous licence and the date of issue of it;
- (e) ensure that the applicant acknowledges receipt of the driving licence card on form DL1 or form NCD, as shown in Schedule 2; and
- (f) update the register of driving licences accordingly to reflect the issue of the driving licence card.

(4) An examiner for driving licences shall, except where previously otherwise agreed with the applicant, deface an unclaimed driving licence card 120 days after the notice referred to in subregulation (3) (b) was posted, and record the fact that it has been defaced on the register of driving licences.

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

(b) the holder of a driving licence card may apply for a new card in the manner contemplated in regulation 109 and the new card shall be authorised and issued in the manner contemplated in regulation 109 (3).

(c) if an applicant's application referred to in paragraph (b) relates to code EC1 or EC driving licence and the applicant is disqualified in terms of regulation 102 from holding such new licence, but is not so disqualified from holding a new code EB driving licence, such applicant's application shall for the purposes of regulation 102 be deemed to be an application for a new code EB driving licence, and that applicant shall be issued with a new licence of that code.

(d) if an applicant's application referred to in paragraph (b) relates to a code C1 or C driving licence and the applicant is disqualified in terms of regulation 102 from holding such new licence, but is not so disqualified from holding a new code B driving licence, such applicant's application shall for the purposes of regulation 102 be deemed to be an application for a new code B driving licence, and that applicant shall be issued with a new licence of that code.

(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)."

### **Insertion of regulation 108A in the Regulations**

**31.** The following regulation 108A is hereby inserted after regulation 108 of the Regulations:

#### **"108A. Manner of issue of provisional driving licence**

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 provisional driving licence after an examination and test in terms of regulation 107 if he or she is satisfied that the applicant must be issued with a provisional driving licence and that the applicant is not disqualified from holding a provisional driving licence-

- (a) complete the authorisation to issue the provisional 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 provisional driving licence should reflect an endorsement in terms of section 18 (4) of the Act;
- (c) a provisional driving licence shall be issued on form PDL as shown in Schedule 2 within 2 working days after the examiner for driving licences notified the applicant that he or she shall be issued with a provisional driving licence, and the examiner for driving licences or a person authorised to do so shall, upon payment of the applicable fee as determined by the MEC of the province concerned—

- (i) complete the provisional driving licence, on which the date of birth of the holder shall be reflected;
- (ii) endorse the provisional driving licence accordingly in the case where—
  - (aa) the applicant is found to be competent to drive with the aid of glasses or contact lenses, an artificial limb or other physical aid;
  - (bb) the applicant is a physically disabled person who has to drive a vehicle adapted for physically disabled persons, or a vehicle adapted specifically for that physically disabled applicant;
- (iii) ensure that the applicant signs the provisional driving licence;
- (iv) affix one photograph to the provisional driving licence and one photograph to the carbon copy, or to the application form if the provisional driving licence was printed by the computerised register;
- (v) affix one lamination strip to the provisional driving licence and another to the carbon copy, or to the application form, if applicable, to cover the photograph, personal particulars and the code of the provisional driving licence of the holder;
- (vi) issue the provisional driving licence; and
- (vii) retain the application form and, if not printed by the computerised register, the carbon copy of the provisional driving licence for record purposes.”.

### **Amendment of regulation 109 of the Regulations**

**32.** Regulation 109 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation (1):

“(1A) Subject to subregulation (2), an application for a duplicate of a provisional driving licence shall be made in person by the applicant on form DL1 as shown in Schedule 2 at any driving licence testing centre.”.

### **Substitution of regulation 113 of the Regulations**

**33.** Regulation 113 of the Regulations is hereby amended by the substitution for regulation 113 of the following regulation:

#### **“113. Manner of notification of new residential and postal address**

Notice of a licence holder’s new residential or postal address in terms of section 22 of the Act shall-

- (a) be given on form NCP as shown in Schedule 2, to the appropriate registering authority of the licence holder, and
- (b) be accompanied by proof, in terms of regulation 32A(3), of such change.”.

### **Insertion of regulation 114G to 114R in the Regulations**

**34.** The following regulations 114G to 114R are inserted after regulation 114F of the Regulations:

#### **“114G. Manner of application to be approved as suitable person or body of persons to be able to apply for registration as a driving school**

(1) A person or body of persons desiring to operate a driving school as contemplated in section 28E, shall declare such intention in writing in an affidavit or an affirmation and submit such affidavit or affirmation and the fee as determined by the MEC concerned, to the MEC concerned.

(2) The affidavit or affirmation contemplated in subregulation (1) shall contain-

- (a) the particulars of every person, or the members or directors of every juristic person in whose name such driving school shall be registered in the event that such application is approved;
- (b) the exact location of the proposed driving school;
- (c) the grade of driving school to be operated; and
- (d) any matters relevant to the consideration of the suitability of such application.

Provided that a driving school operated by an instructor registered in terms of section 28B of the Act, prior to the implementation of this provision, shall comply with the provisions of this regulation 12 months after implementation of this regulation.

**114H. Consideration of suitability of driving school and person or body of persons to operate a driving school**

(1) The MEC shall consider the application referred to in regulation 114G and shall, without limiting the factors to be considered, take the following into account-

- (a) the suitability of the applicant;
- (b) the refusal of the applicant to register a driving school, by any other MEC;
- (c) the refusal of any spouse or partner of the applicant to operate a driving school; and
- (d) the recommendations from the inspectorate of driving schools.

(2) The MEC may require or obtain any additional information to decide on the application.

(3) The MEC shall require that any applicant or the spouse or partner of the applicant obtain a record of previous convictions for offences mentioned under schedule 1 of the Criminal Procedure Act from the South African Police Services.

(4) If the MEC is satisfied as to the suitability of the driving school 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 driving school he or she shall refuse to register such driving school, and shall notify the applicant accordingly and shall provide the applicant with the reasons of such refusal in writing.

(6) A person or body of persons whose application to operate a driving school 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 driving school as contemplated in regulation 114G until such person or body of persons complies with the requirements of this Act.

**114I. Manner of application of approved person or body of persons to register a driving school**

(1) An application by an approved person or body of persons as contemplated in regulation 114H (4) for the registration of a driving school, shall be made on form DS1 as shown in Schedule 2, and a registered instructor in terms of section 28B shall be identified in respect of the driving school concerned.

(2) An application as referred to in subregulation (1) shall be accompanied by an acceptable identification of the applicant and of the instructor identified under subregulation (1).

**114J. Requirements to be met for registration of a driving school**

The requirements for registration of a driving school, shall be-

- (a) identification of the physical address or access to a training facility approved by the Department;
- (b) specify the municipal area in which the driving school will be operated;
- (c) the use of vehicles which have dual controls for the purposes of training applicants;
- (d) the applicant must be a registered instructor;
- (e) tax clearance certificate;

- (f) the applicant must have two years experience as a registered instructor;
- (g) filing system;
- (h) proof ownership of all the vehicles which will be used for training of the applicants;
- (i) all the vehicles which will be used for training of applicants must be registered, licensed and roadworthy; and
- (j) all vehicles which will be used for training of applicants must be clearly marked with a letter "L" in a legible manner on the rear window and the sides doors of the vehicle.

#### **114K. Manner of registration of a driving school**

(1) The MEC shall, upon receipt of an application for registration of a driving school made in terms of regulation 114I with due regard to the evaluation and recommendations of the inspectorate of driving schools, satisfy himself or herself that the driving school concerned complies with the requirements referred to in regulation 114J.

(2) If the MEC is satisfied as to the suitability of the driving school in terms of regulations 114G and 114I, he or she shall-

- (a) subject to the conditions he or she may deem fit, register and grade such driving school;
  - (b) record the particulars of such driving school on the register of driving schools;
  - (c) issue a certificate of registration on form CRI as shown in Schedule 2, to such driving school; and
  - (e) give notice of the registration of the driving school in the provincial *gazette* of the province 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 driving school can see such certificate.

(4) A driving school shall only be registered for the premises or access to an approved training facility reflected on form CRI and may only be operated by the driving school owner in whose name the driving school is registered.

#### **114L. Notification of change of particulars of a driving school**

(1) Subject to the provisions of subregulation (3), the driving school owner in whose name the driving school is registered, shall, upon the change of any of the particulars submitted in terms of regulations 114G and 114I, notify the MEC and the inspectorate of driving schools of such change on form RI 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 driving school accordingly.

(3) In the event that the driving school owner sell or alienate the driving school, it shall be considered as a new application and the procedure referred to in regulation 114G shall apply.

#### **114M. Approval for appointment of an instructor prior to appointment by a registered driving school**

(1) A driving school owner who desires to appoint an instructor at a driving school, shall submit the particulars of such instructor to the MEC concerned, for approval.

(2) The MEC shall evaluate the record, registration and grading of the instructor referred to in subregulation (1) for his or her suitability to be appointed at the driving school concerned and shall notify the driving school owner of his or her decision.

(3) A driving school owner shall not appoint an instructor, unless the appointment of such instructor has been approved by the MEC.

#### **114N. Grades of driving schools**

(1) The MEC shall grade a driving school as a grade A, B, C, D or L as the case may be, if such driving school complies with the appropriate grading requirements when it is evaluated by the inspectorate of driving schools.

- (2) (a) A grade A driving school is authorised to train a person for a driving or learners licence of any code;
- (b) A grade B driving school is authorised to train a person for a driving or learners licence of the code B, C1, C, EB, EC1 and EC;
- (c) A grade C driving school is authorised to train a person for a driving or learners licence of the code A1, A and B;
- (d) A grade D driving school is authorised to train a person for a driving or learners licence of the code B; and
- (e) A grade L driving school is authorised to train a person for a learner's licence of any code.

(3) The MEC may amend the grading of a driving school registered before the implementation of this regulation, if such driving school does not fully comply with the minimum requirements in terms of the provisions of regulation 114J.

**114O. Manner of suspension or cancellation of registration of a driving school**

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

(2) The MEC shall, in considering the suspension or cancellation of the registration of a driving school on any matter-

- (a) notify the driving school owner of the failure of such driving school to comply with the requirements of this Act; and
- (b) demand from such driving school owner to indicate in writing within 14 days from the date of the said notification-
- (i) the reason for such failure; and

- (ii) the details of the measures that have been taken to rectify and prevent such failure.

(3) If the MEC has an affidavit or an affirmation on any alleged criminal offence of fraud or corruption or both committed by any driving school owner or an employee, agent or manager of such driving school, and after proving same he or she may immediately suspend the registration of such driving school and seize any records.

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

- (a) suspend, or
- (b) cancel, the registration of such driving school.

(5) If the MEC suspends or cancels the registration of a driving school, he or she shall-

- (a) notify the driving school owner of such suspension or cancellation and the reason thereof 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 driving school registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC the certificate of registration issued in respect of such driving school.

#### **114P. Duties of a driving school owner**

A driving school owner shall-

- (a) notify the MEC of the province concerned within 14 days of any change in particulars or circumstances in relation to any information provided to the MEC on the driving school;

- (b) exercise proper control over the instructor or any employee, employed at such driving school;
- (c) ensure that any person trained at such driving school is trained in accordance with the provisions of this Act;
- (d) ensure that all records are kept;
- (e) ensure that all records pertaining to the training of any person at his or her driving school, tax clearance certificates and certification of roadworthiness of all motor vehicles used for training are submitted to the relevant MEC annually.

**114Q. Act or omission of instructors, driving school owner or an employee employed at the driving school**

(1) Whenever any instructor or employee of a driving school commits or omits an act which would have constituted an offence in terms of this Act and if the driving school owner had committed or omitted such act, that driving school owner 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.

**114R. Powers and duties of inspectorate of driving schools**

- (1) The inspectorate of driving schools shall-
  - (a) in terms of regulation 114K, evaluate the driving school concerned in accordance with the requirements referred to in regulation 114J and

recommend to the MEC-

- (i) the suitability of such driving school to be registered as a driving school; and
  - (ii) the grading of such driving school;
- (b) in respect of every registered driving school, conduct at least one inspection per year to monitor the standards applied to such driving school;
  - (c) advise any driving school on the improvement and maintenance of training facilities and procedures at such driving school if deemed necessary;
  - (d) when necessary, recommend to the MEC the suspension or cancellation of the registration of an instructor; and
  - (e) when necessary, recommend to the MEC to suspend, degrade, or cancel the registration of a driving school.

(2) A person who acts on behalf of the inspectorate of driving schools, may at any reasonable time, with regard to the requirement referred to in regulation 114J, without prior notice -

- (a) enter the premises of any driving school;
- (b) inspect any records of the driving school;
- (c) question any person with regard to any matter relating to the operation of the driving school referred to in paragraph (a);and
- (d) accompany an instructor in any motor vehicle when such instructor is training a person for a driving licence for the purpose of evaluation of the said instructor.”.

#### **Amendment of regulation 117 of the Regulations**

**34.** Regulation 117 of the Regulations is hereby amended by the substitution for paragraph (c)

of the following paragraph:

“(c) if the applicant has, made an application before a period of four years elapse from the date of the application, been convicted of or has paid an admission of guilt fine on-”.

#### **Amendment of regulation 138 of the Regulations**

**35.** Regulation 138 of the Regulations is hereby amended by the addition of paragraph (k) after paragraph (j):

“(k) motor vehicle which is 10 years and older as from 1 December 2012 calculated from the first date of registration of such motor vehicle in the Republic excluding any vintage motor vehicle: Provided that such motor vehicle will thereafter be require to be certified roadworthy after every 24 months.”.

#### **Amendment of regulation 139 of the Regulations**

**36.** Regulation 139 of the Regulations is hereby amended by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) in a case of a minibus, midibus or bus, first registered on or after 1 December 2012 and operating for reward, a duly completed form VDSCD as shown in Schedule 2 for the fitment of a vehicle directional stability as provided for in terms of regulation 212 (o) by an approved fitment centre.”.

#### **Amendment of regulation 143 of the Regulations**

**37.** Regulation 143 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) On receipt of an application for the licensing of the motor vehicle referred to in regulation 142, the registering authority shall, if satisfied that a licence disc may be issued in respect of the motor vehicle concerned, issue a roadworthy certificate on form MVL1-M, MVL1-RW, LCO OR LCTO as referred to in regulation 25(2) (e) in respect of such motor vehicle separately.”.

**Amendment of regulation 147 of the Regulations**

**38.** Regulation 147 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) An inspector of licences or a traffic officer may in terms of section 3F (a) or section 3I (a) of the Act, respectively, issue a notice on form NTDVT as shown in Schedule 2 to direct that a motor vehicle be produced at a testing station for inspection, examination or testing.”.

**Amendment of regulation 148 of the Regulations**

**39.** Regulation 148 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) A traffic officer, or examiner of vehicles acting in conjunction with a traffic officer, may in terms of section 44 of the Act, issue a notice on form NTDVT as shown in Schedule 2, to direct that a vehicle shall not be operated on a public road upon the conditions prescribed in subregulation (2), in which event he or she shall remove and destroy the licence disc or licence and roadworthy certificate disc of the motor vehicle.”.

**Substitution of regulation 149 of the Regulations**

**40.** Regulation 149 of the Regulations is hereby amended by the substitution for regulation 149 of the following regulation:

**“149. Brakes on motor vehicles**

No person shall operate on a public road a motor vehicle, other than a motor cycle, motor tricycle or trailer which is not equipped with a service brake, a parking brake and an emergency brake: Provided that—

- (a) the emergency brake and parking brake may be one and the same brake;  
and
- (b) in the case of—

- (i) a motor vehicle which is equipped with a service brake consisting of two braking systems, such brake shall, when the systems brake the wheels independently, be deemed to be an emergency brake;
- (ii) a steam or electrically driven motor vehicle of which the engine or motor can be reversed, the reversing mechanism may be used instead of an emergency brake; and
- (iii) a tractor or haulage tractor, the brakes may be so constructed that the service brake may be used as a parking brake.”.

### **Substitution of regulation 149A of the Regulations**

**41.** Regulation 149A of the Regulations is hereby amended by the substitution for regulation 149A of the following regulation:

#### **“149A. Anti-theft device fitted to brakes prohibited**

(1) No person shall operate on a public road a motor vehicle which, according to the registration thereof, was registered for the first time on or after 1 July 1990, to which is fitted with an anti-theft device which is connected to or in any way interferes with the braking system of such motor vehicle

(2) The provisions of subregulation (1) will not apply to a motor vehicle which is fitted with an anti-theft device which complies with the requirements of UN ECE Regulation 116 “The protection of motor vehicles against unauthorised use” and which is homologated as such by the National Regulator for Compulsory Specifications.”.

### **Amendment of regulation 154 of the Regulations**

**42.** Regulation 154 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) No person shall operate on a public road a tractor or a haulage tractor which is not designed for, or capable of operating at a speed exceeding 40 kilometres per hour on a reasonably level road, or a trailer drawn by such tractor, which is registered for the first time on

or after 1 July 1999, unless the brakes fitted to such tractor or trailer comply with the standard specification SANS 1447 "Motor Vehicle Safety Specification for Braking (motor and towed vehicles, designed for low speed or for use off public roads)" Part 1: "Tractors" and Part 2: "Trailers" or the standard specification SANS 1207 "Motor Vehicle Safety Standard Specification for Braking", or the standard specification SANS 1051 "Motor Vehicle Safety Specification for Braking".

### **Substitution of regulation 155 of the Regulations**

**43.** Regulation 155 of the Regulations is hereby amended by the substitution for regulation 155 of the following regulation:

#### **"155. Braking performance of service, emergency and parking brakes**

(1) No person shall operate on a public road a motor vehicle or a combination of motor vehicles which, in terms of these regulations is required to be equipped with—

(a) a service brake, unless such brake at all times—

(i) in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 40 kilometres per hour, when it is applied from an initial speed of 35 kilometres per hour, complies with the requirements for braking performance set out in Table A hereunder; or

(ii) in the case of a motor vehicle or a combination of motor vehicles which is not capable of exceeding a speed of 40 kilometres per hour, when it is applied from the maximum speed which such vehicle or combination is capable of attaining, complies with the requirements for braking performance set out in Table B hereunder.

(b) an emergency brake, unless such brake at all times—

(i) in the case of a motor vehicle or a combination of motor vehicles which is capable of exceeding a speed of 40 kilometres per hour, when it is applied from an initial speed of 35 kilometres per hour,

complies with the requirements for braking performance set out in Table C hereunder; or

(ii) in the case of a motor vehicle or a combination of motor hour when it is applied from the maximum speed which such vehicle or combination is capable of attaining, complies with the requirements for braking performance set out in Table D hereunder; or

(c) a parking brake, unless such brake, at all times, is capable of keeping such vehicle or combination stationary for an indefinite period with the engine disengaged on a gradient of not more than one in 8,33.

### REQUIREMENTS FOR BRAKING PERFORMANCE

TABLE A

*Service brake of motor vehicle or combination of motor vehicles capable of exceeding speed of 40 km/h*

	<b>Initial speed in km/h</b>	<b>Maximum Stopping distance in m</b>	<b>Minimum deceleration in m/s<sup>2</sup></b>	<b>Minimum equivalent braking force in N/kg</b>
Light motor vehicle	35	14	4,4	4,4
Heavy motor vehicle	35	16	4,4	4,4

TABLE B

*Service brake of motor vehicle or combination of motor vehicles not capable of exceeding speed of 40 km/h*

<b>Maximum initial speed in km/h</b>	<b>Maximum stopping distance in m</b>	<b>Minimum deceleration in m/s<sup>2</sup></b>	<b>Minimum equivalent braking force in N/kg</b>
15	7	1,9	1,9
20	11	1,9	1,9

25	16	1,9	1,9
30	23	1,9	1,9
35	30	1,9	1,9

TABLE C

*Emergency brake of motor vehicle or combination of motor vehicles capable of exceeding speed of 40 km/h*

	<b>Initial speed in km/h</b>	<b>Maximum Stopping distance in m</b>	<b>Minimum deceleration in m/s<sup>2</sup></b>	<b>Minimum equivalent braking force in N/kg</b>
Light or heavy motor vehicle	35	30	1,9	1,9

TABLE D

*Emergency brake of motor vehicle or combination of motor vehicles not capable of exceeding speed of 40 km/h*

<b>Maximum initial speed in km/h</b>	<b>Maximum stopping distance in m</b>	<b>Minimum deceleration in m/s<sup>2</sup></b>	<b>Minimum equivalent braking force in N/kg</b>
15	12	0,95	0,95
20	20	0,95	0,95
25	29	0,95	0,95
30	41	0,95	0,95
35	55	0,95	0,95

- (2) Compliance with the requirements contemplated in subregulation (1)(a) and (b)

shall be determined by—

(a) actual road tests conducted on a road with a reasonable level, dry, smooth and hard surface which is free from loose material and with the stopping distance measured from the moment the particular brake is applied with the engine disengaged until the vehicle comes to rest; and

(b) a suitable mechanical test.

(3) When testing a brake on a combination of motor vehicles, the brakes of the drawn vehicle or vehicles shall be applied at the same moment as the brakes of the drawing vehicle.

(4) Where in any prosecution for a contravention of subregulation (1) the question arises whether a motor vehicle or a combination of motor vehicles travelled at a particular speed, the speed indicated by the speedometer of such vehicle or combination shall, in the absence of evidence to the contrary, be deemed to be correct.

(5) For the purposes of this regulation—

(a) "light motor vehicle" means—

(i) a motor-car;

(ii) a motor vehicle with a gross vehicle mass not exceeding 3500 kilograms; or

(iii) any other motor vehicle with a tare not exceeding 3 500 kilograms, but does not include a bus, minibus, midibus or goods vehicle; and

(b) "heavy motor vehicle" means a motor vehicle which is not a light motor vehicle."

**Amendment of regulation 159 of the Regulations**

**44.** Regulation 159 of the Regulations is hereby amended by the addition of the following proviso clause after subregulation (3):

“Provided that the height of the dipped beam headlamp shall not exceed 1400 millimetres measured from the ground to the centre of the lamp.”.

**Amendment of regulation 169 of the Regulations**

**45.** Regulation 169 of the Regulations is hereby amended by the addition of the following subregulation after subregulation (3):

“(4) A motor vehicle may be fitted with stop lamps, which display a flashing light signal during emergency high de-acceleration braking that complies with the requirements of standard specification SANS 20013 Uniform provisions concerning the approval of vehicles of category M, N and O with regard to braking” or, SANS 20013H “Uniform provision concerning the approval of passenger cars with regard to braking”, and SANS 20048 “Uniform provisions concerning the approval of vehicles with regard to the installation of lighting and light-signalling devices”, and which is homologated as such by the National Regulator for Compulsory Specifications.”.

**Amendment of regulation 176 of the Regulations**

**46.** Regulation 176 of the Regulations is hereby amended by-

(a) the substitution for subregulation (6) of the following subregulation:

“(6) A vehicle driven by a person while he or she is responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002), may be fitted with a lamp or lamps emitting an intermittently-flashing green light in any direction.”; and

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

“(8) A haulage tractor or combination of motor vehicles where a haulage tractor is the drawing vehicle, shall be fitted with one or more intermittently flashing amber lights in any direction, that are visible from the front and the rear of such vehicle or combination of vehicles and such vehicle or combination shall display such light or lights at all times while operated on a public road.”.

### **Amendment of regulation 181 of the Regulations**

**47.** Regulation 181 of the Regulations is hereby amended by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) except in the case of a direction indicator or reversing lamp complying with the provisions of this regulations, or a rearward facing lamp on a truck tractor directed so as to facilitate the safe connection of a semi-trailer and connected such that it can be operated only when reverse gear is engaged or when the parking brake is applied, emits a light which is not red in colour towards the rear.”.

### **Substitution of regulation 192A of the Regulations**

**48.** Regulation 192A of the Regulations is hereby amended by the substitution for regulation 192A of the following regulation:

#### **“192. Side and rear retro-reflective material to be fitted to vehicles (contour or strip marking)**

(1) For the purposes of this regulation contour or strip marking means yellow side and rear retro-reflective material that shall comply with SABS ECE R104 “Uniform provisions concerning the approval of retro-reflective markings for heavy and long vehicles and their trailers”: Provided that-

- (a) application for (paragraph 3 of SABS ECE R 104) and approval of paragraph 5 of SABS ECE R104 shall not be required, but the letter “C” indicating contour marking as referred to in paragraph 5.4.3.1 of SABS ECE R104 and the circle surrounding the letter “E” followed by the distinguishing number of the country which has granted approval as referred to in paragraph 5.4.1 of SABS ECE R104, shall be brought on to the retro-reflective marking material; and
- (b) that advertising consisting of retro-reflective logos, distinctive markings or letters or characters may be used if it complies with the standard and used in conjunction with counter markings, excluding strips denoting the manufacture concerned.

- 
- (2) (a) a goods vehicle with a gross vehicle mass exceeding 3500 kilograms; shall be permanently affixed with counter markings on the side and the rear of such vehicle and the rear contour markings may not be fitted more than 600 millimetres from the lower part of the body of such vehicle.
- (b) a goods vehicle with a length of more than 7 metres shall be permanently affixed with contour markings as contemplated in paragraph (a) from 1 July 2004.
- (c) a trailer or caravan shall from 1 January 2004 be permanently affixed with side and rear contour markings, contemplated in paragraph (a).
- (d) any trailer or caravan shall from 1 July 2006 be permanently affixed with side and rear counter markings, as contemplated in paragraph (a).
- (e) a bus first registered from 1 July 2004 shall be permanently affixed with side and rear markings as contemplated in paragraph (a).
- (f) any midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, shall from 04 September 2006, be permanently affixed with side and rear markings as contemplated in paragraph (a).
- (g) a minibus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered on or after 04 September 2006, and operating in terms of a licence, be permanently affixed with side and rear markings as contemplated in paragraph (a).
- (h) any midibus operating in terms of an operating license issued in accordance with the provisions of the NLTTA shall from 1 January 2007 be permanently affixed with side and rear markings as contemplated in paragraph (a); and
- (i) a motor home first registered from 1 July 2007 shall be permanently affixed with contour or strip marking as contemplated in paragraph (a)."

**Amendment of regulation 201 of the Regulations**

49. Regulation 201 of the Regulations is hereby amended by the substitution for the proviso clause after paragraph (d) of subregulation (1) of the following proviso clause:

“Provided that the provisions of paragraph (c) and (d) shall not apply to a motor vehicle to which an anti-theft device which incorporates a siren is fitted, or to a fire-fighting vehicle, a fire-fighting response vehicle, a rescue vehicle, an emergency medical response vehicle, ambulance or a vehicle driven by a traffic officer in the carrying out of his or her duties, or to a vehicle driven by a person while he or she is responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002).”.

**Amendment of regulation 217 of the Regulations**

50. Regulation 217 of the Regulations is hereby amended by the substitution for paragraph (b) of subregulation (2) of the following paragraph:

“(b) a truck-tractor or a haulage tractor; or.”.

**Amendment of regulation 237 of the Regulations**

51. Regulation 237 of the Regulations is hereby amended by the substitution for the proviso clause after paragraph (e) of subregulation (2) of the following proviso clause:

“Provided that the permissible maximum combination mass of a combination shall not exceed 56000 kilograms: Provided further that in the case where the drawing vehicle is a haulage tractor with a single driving axle, the permissible maximum combination mass shall not exceed 48000 kilograms.”.

**Amendment of regulation 239 of the Regulations**

52. Regulation 239 of the Regulations is hereby amended by-

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

“(a) in the case of the drawing vehicle being a tractor or a haulage tractor by 400; or

(b) the substitution for subregulation (3) of the following subregulation:

“(3) No person shall operate on a public road a vehicle which is a minibus, midibus, bus, tractor or goods vehicle if the mass in kilograms of such vehicle or of a combination of vehicles of which such first-mentioned vehicle forms a part, whether laden or unladen, exceeds five times the total axle massload of the driving axle or axles of such vehicle: Provided that where the drawing vehicle in a combination of vehicles is a haulage tractor, the mass in kilograms of such combination of vehicles may not exceed six times the total axle mass load of the driving axle or axles of such vehicle, whether the combination is laden or unladen.”.

#### **Amendment of regulation 242 of the Regulations**

53. Regulation 242 of the Regulations is hereby amended by the insertion of the following paragraph after paragraph (b):

“(bA) in the case of a haulage tractor, whether part of a combination of vehicles or not, the axle massload of any steering axle is less than 15 percent of the sum of all the axle massloads of such haulage tractor;”.

#### **Amendment of regulation 245 of the Regulations**

54. Regulation 245 of the Regulations is hereby amended by the substitution of the word “or” after the word “bus” with the symbol “,” and the addition of the phrase “or mobile crane” after the phrase “goods vehicle” wherever it appear in this regulation.

#### **Amendment of regulation 248 of the Regulations**

55. Regulation 248 of the Regulations is hereby amended by the substitution for paragraph (e) of subregulation (1) of the following paragraph:

“(e) the nett power in kilowatts of any bus, haulage tractor or goods vehicle;”.

#### **Amendment of regulation 256 of the Regulations**

56. Regulation 256 of the Regulations is hereby amended by the substitution for subregulation (8) of the following subregulation: