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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1824. 9 September 1981.

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Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

[No. 59 van 1981: Wysigingswet op Nasionale Verkeersveiligheid, 1981.

No. 59 of 1981: National Road Safety Amendment Act, 1981.

Act No. 59, 1981

NATIONAL ROAD SAFETY AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

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Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the National Road Safety Act, 1972, so as to substitute certain obsolete designations; to provide that persons in the service of the Council shall become members of the public service; to charge the Director-General: Transport with the designation of staff to assist the Council in the performance of its functions; to charge the Department of Transport with the executive and administrative work arising out of the performance by the Council of its functions; to make further provision as to the delegation or assignment of its powers or functions by the Council; to abolish the levy on motor vehicles registered outside the Republic; and to effect certain textual improvements; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 18 August 1981.)*

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 9 of 1972.

1. Section 1 of the National Road Safety Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the deletion of the definition of "Director"; 5
- (b) by the insertion before the definition of "fixed date" of the following definition:

"'Director-General' means the Director-General: Transport"; and

- (c) by the substitution for the definition of "Minister" of 10 the following definition:

"'Minister' means the Minister of Transport Affairs";.

Amendment of section 3 of Act 9 of 1972, as amended by section 1 of Act 46 of 1974.

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph: 15

"(c) three shall be the [Secretary for Transport] Director-General: Transport, the [Secretary for Justice] Director-General: Justice and the Commissioner of the South African Police, respectively, or the alternates of [such] those persons each of whom has been designated by [such] the person concerned." 20

Substitution of section 4 of Act 9 of 1972.

3. The following section is hereby substituted for section 4 of the principal Act:

"Staff of Council, and performance of executive and administrative work. **4. (1)** The Director-General shall designate so many officers and employees of the Department of Transport as may be necessary, to assist the Council in the performance of its functions, and all such officers and employees shall remain under the 25

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control of the Director-General while so assisting the Council.

(2) All executive and administrative work arising out of the performance of its functions by the Council, shall be undertaken by the Department of Transport.”

Amendment of section 7 of Act 9 of 1972, as amended by section 2 of Act 46 of 1974.

4. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) [appoint as officers and employees of the Council persons who, in the opinion of the Council, command appropriate training and experience, and confer or impose any of its powers or duties upon such officers and employees: Provided that the powers and duties contained in paragraphs (b), (c), (d) and (f) shall only be exercised in pursuance of a resolution of the Council or with the written authority of the Director, which shall be reported to the next meeting of the Council] delegate or assign to any officer or employee of the Department of Transport contemplated in section 4 (1) any power or duty conferred or imposed upon it by or under this Act: Provided that the Council shall not be divested of any power or duty so delegated or assigned and may amend or withdraw any decision made by such an officer or employee in the exercise or performance of any power or duty so delegated or assigned;”

Substitution of section 13 of Act 9 of 1972.

5. The following section is hereby substituted for section 13 of the principal Act:

“Remuneration and allowances of members of Council and Managing Committee.

13. (1) The Council shall pay the remuneration and allowances of the members of the Council and the Managing Committee [and of the Director], save the remuneration of any such person who is a member of the public service.

(2) [(a)] A member of the Council or the Managing Committee who is a member of the public service [or the Director, if he is such a member] shall not be paid, in respect of services rendered by him, any remuneration in addition to his salary as a member of the public service, and such a person who is a member of the public service shall not be paid an allowance in respect of subsistence and travelling expenses at a rate higher than that applicable to him as a member of the public service.

[(b)] If the Minister, after consultation with the Minister of Finance, is of opinion that such a member devotes the whole or a substantial portion of his time to his functions as a member of the Council or the Managing Committee or as Director, the Minister may, after such consultation, direct the Council to refund to the State the remuneration paid to such person as a member of the public service, or so much thereof as the Minister may after such consultation determine.]”

Amendment of section 15 of Act 9 of 1972.

6. Section 15 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the expression “subsection (3)” of the expression “subsections (3) and (5)”; and

(b) by the addition of the following subsection: 60

“(5) There shall be paid from the Fund into the State Revenue Fund, at such times as may be determined by the Minister with the concurrence of the Minister of Finance, such amounts as may be so determined as recoverable amounts in respect of— 65

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- (a) remuneration paid by the State to a member of the public service in that capacity who is a member of the Council or the Managing Committee and, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity; 5
- (b) contributions paid by the State to a pension or provident fund in respect of a member of the public service in that capacity who is a member of the Council and, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity; and 10
- (c) expenditure of State money occasioned by the application of the provisions of section 4.”

Substitution of section 17 of Act 9 of 1972.

7. The following section is hereby substituted for section 17 of the principal Act: 15

“Persons in service of Council become members of public service.

17. (1) As from the date of commencement of the National Road Safety Amendment Act, 1981, the service, with the Council, of every person who is on that date in the service of the Council, but excluding that of part-time advisers to the Council, shall terminate, and he shall become a member of the public service and subject to the laws governing the public service. 20

(2) Save in pursuance of disciplinary measures applied under the laws governing the public service, the salary or wage and the salary or wage scale at or in accordance with which any person who so becomes a member of the public service was remunerated immediately prior to his becoming such a member, shall not be reduced without his consent.” 25 30

Repeal of sections 18, 19, 20 and 22 of Act 9 of 1972.

8. Sections 18, 19, 20 and 22 of the principal Act are hereby repealed.

Amendment of section 25 of Act 9 of 1972, as amended by section 1 of Act 16 of 1980.

9. Section 25 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 35

“(a) which in terms of section 2 (1) of the said Act may not be driven on a public road unless it has in terms of section 12, 13 or 14 of the said Act been insured or has in terms of section 29 thereof been exempted from the provisions of the said section 2 (1) [or which is referred to in section 2 (2) (b) of the said Act]; or” 40

Amendment of section 27 of Act 9 of 1972.

10. Section 27 of the principal Act is hereby amended by the deletion of subsection (2).

Short title and commencement.

11. This Act shall be called the National Road Safety Amendment Act, 1981, and shall come into operation on 1 October 1981. 45