

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 10c Price
Oorsee 15c Overseas
POSVRY—POST FREE

Vol. 81.]

KAAPSTAD, 15 MAART 1972.
CAPE TOWN, 15TH MARCH, 1972.

[No. 3415.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 402. 15 Maart 1972.

No. 402. 15th March, 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg 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. 9 van 1972: Wet op Nasionale Verkeersveiligheid, 1972.

No. 9 of 1972: National Road Safety Act, 1972.

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

ACT

To promote road safety; for that purpose to establish a national road safety council and a central road safety fund; to repeal the South African Road Safety Council Act, 1960; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 9th March, 1972.)*

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

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "Council" means the National Road Safety Council established by section 2; (viii)
 - (ii) "Director" means the Director mentioned in section 4; (ii)
 - (iii) "fixed date" means the date of commencement of this Act; (xii)
 - (iv) "Fund" means the fund established under section 15; (iii)
 - (v) "levy" means the levy imposed by section 25; (iv)
 - (vi) "Managing Committee" means the managing committee established by section 9; (i)
 - (vii) "Minister" means the Minister of Transport; (v)
 - (viii) "National Transport Commission" means the National Transport Commission appointed under section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948); (vi)
 - (ix) "public service" means the public service as defined in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957); (xi)
 - (x) "regulation" means a regulation made under this Act; (ix)
 - (xi) "Republic" includes any territory in respect of which Parliament is competent to legislate; (x)
 - (xii) "Road Safety Council" means the South African Road Safety Council established by section 2 of the South African Road Safety Council Act, 1960 (Act No. 1 of 1960). (vii)
2. There is hereby established a juristic person under the name The National Road Safety Council. Establishment of National Road Safety Council.
3. (1) The Council shall consist of twelve members of whom— Constitution of Council.
- (a) four shall be appointed by the Minister of whom—
 - (i) one shall be a person who, in the opinion of the Minister, commands special knowledge with regard to road safety on account of training and experience;
 - (ii) one shall be nominated by the United Municipal Executive of South Africa; and
 - (iii) one shall be designated by the Minister as chairman and one as deputy chairman;

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

- (b) five shall be members of the executive committees of the four provinces and the territory of South-West Africa, each designated by the executive committee concerned to serve on the Council;
 - (c) three shall be the Secretary for Transport, the Secretary for Justice and the Commissioner of the South African Police, respectively.
- (2) A member of the Council, other than a member referred to in subsection (1) (b) or (c), shall be appointed for such period (not exceeding five years) and on such conditions as the Minister may determine at the time of the appointment: Provided that the Minister may, if in his opinion there exist sufficient reasons therefor, terminate the services of any such member at any time before the expiry of his period of office.
- (3) The periods and conditions referred to in subsection (2) may differ in respect of different persons, and such conditions shall be determined in consultation with the Minister of Finance.
- (4) If for any reason a vacancy occurs on the Council, the Minister may in accordance with the provisions of subsections (1), (2) and (3) appoint a person to fill the vacancy.
- (5) A person whose period of office as a member of the Council has expired, shall be eligible for reappointment.

4. The Minister shall appoint a person as Director of the National Road Safety Council who shall exercise the powers and perform the duties conferred or imposed upon him by the Council, and shall receive the remuneration and allowances determined by the Minister in consultation with the Minister of Finance.

Director of National Road Safety Council.

5. The object of the Council shall be the promotion of road safety in the Republic.

Object of Council.

6. The Council shall—

- (a) prepare a comprehensive research programme to effect road safety, carry it out systematically after consultation with the Council for Scientific and Industrial Research and the National Transport Commission as to the sequence of the carrying out of such programme, and, as part of the carrying out of that programme, assign research projects to persons who, in the opinion of the Council, are best equipped to carry them out;
- (b) undertake the collection of information in connection with road safety and the making available thereof to authorities and persons concerned and the public generally;
- (c) give guidance regarding road safety by means of the organizing of congresses, symposiums, summer schools and study weeks, by means of mass-communication media and in any other manner deemed fit by the Council;
- (d) consult with authorities and persons concerned in a road safety system in order to assist the Minister in the co-ordination and activation of the combating of road accidents;
- (e) at the request of the Minister enquire into, and report and make recommendations on, any matter falling within the objects of this Act;
- (f) perform such other tasks falling within the objects of this Act as the Minister may impose upon the Council;
- (g) make recommendations to the Minister on the carrying out of a resolution passed by the Council but to which no effect is given or for some legal reason no effect can be given.

Functions of Council.

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

7. In order to achieve its object and to perform its functions the Council may— Powers of Council.

- (a) appoint as officers and employees of the Council persons who, in the opinion of the Council, command appropriate training and experience;
- (b) purchase or sell, or acquire or dispose of in any other manner, or hire or let or hypothecate any movable or immovable property;
- (c) open accounts with banking institutions and arrange for bank overdrafts;
- (d) invest with the Public Debt Commissioners or in such other manner as the Minister may direct, any moneys not required for immediate use or as a reasonable working balance;
- (e) produce or acquire publicity material, including films, for dissemination by itself or any other person;
- (f) finance research in connection with road safety;
- (g) disseminate information in connection with road safety by means of the press, the radio and television;
- (h) publish a periodical to promote road safety and pay rewards for matter inserted therein;
- (i) obtain the services of advertising institutions for the promotion of road safety;
- (j) assist local authorities which do not have the necessary staff therefor, in the laying out of grounds for the training of learner motor vehicle drivers;
- (k) assist in providing training facilities for motor vehicle drivers in cases where such facilities are not provided by some authority;
- (l) give guidance to associations or bodies of persons having objects similar to those of the Council;
- (m) organize congresses, symposiums, summer schools and study weeks and, if necessary, pay the costs of the preparations therefor, and remunerate persons performing thereat;
- (n) with the approval of the Minister, take any other steps that may be necessary to achieve its object.

8. (1) The Council shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine, but not less than four times per year. Meetings of Council.

(2) The chairman or, if he is absent, the deputy chairman shall preside at all meetings of the Council, and if both the chairman and the deputy chairman are absent from a meeting of the Council, the members present shall elect a person from among themselves to preside at such meeting.

(3) The decision of a majority of the members of the Council present at a meeting of the Council shall constitute a decision of the Council, and in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

9. (1) There shall be a Managing Committee consisting of— Establishment and constitution of Managing Committee.

- (a) the chairman of the Council, who shall also be chairman of the Managing Committee;
- (b) the deputy chairman of the Council, who shall also be deputy chairman of the Managing Committee; and
- (c) the member of the Council referred to in section 3 (1) (a) (i).

(2) A member of the Managing Committee shall cease to be a member thereof if he ceases to be a member of the Council.

10. During periods between meetings of the Council, and subject to such directions as the Council may give from time to time, the Managing Committee shall perform all the functions, Powers of Managing Committee.

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

and exercise all the powers, of the Council, but it shall not have the power, save in so far as the Council may otherwise direct, to set aside or vary a decision of the Council.

11. (1) The Managing Committee shall meet at such times and places as the chairman or, if he is absent, the deputy chairman of the Managing Committee may determine. Meetings of Managing Committee.

(2) The chairman or, if he is absent, the deputy chairman of the Managing Committee shall preside at all meetings of the Managing Committee.

(3) The decision of not less than two members of the Managing Committee shall constitute a decision of the Managing Committee.

12. No act or decision of the Council or the Managing Committee shall be invalid by reason only of the fact that a person who was entitled to receive notice of a meeting of the Council or the Managing Committee did not receive such notice, or by reason only of the fact that a person who was disqualified from being a member of the Council or the Managing Committee, or in whose appointment there was some defect, acted as a member of the Council or the Managing Committee, as the case may be, when such act was performed or such decision was taken, whether or not such person's concurrence was necessary for the performance of that act or the taking of that decision. Validity of acts and decisions 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. Remuneration and allowances of members of Council and Managing Committee, and Director.

(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.

14. As from the fixed date all assets, rights, liabilities and obligations of the Road Safety Council shall, subject to the provisions of this Act and without payment of transfer duty, stamp duty or other fees, become assets, rights, liabilities and obligations of the Council, and any reference in any law or document to the first-mentioned council shall be construed as a reference to the Council. Passing of assets, rights, liabilities and obligations from Road Safety Council to the Council.

15. (1) The Council shall establish a fund, to be known as the Central Road Safety Fund, into which shall be paid— Establishment and control of Central Road Safety Fund.

(a) all moneys which in terms of section 14 become an asset of the Council, and all moneys derived from the realization of any assets of the Council;

(b) all moneys received by the Council by virtue of the provisions of section 25;

(c) moneys appropriated by Parliament for the purposes of the Council;

(d) all other moneys which may accrue to the Council from any other source.

(2) The Fund shall be administered by the Council, and the moneys in the Fund shall, subject to the provisions of sub-

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

section (3), be utilized to defray the expenses incurred by the Council in the performance of its functions and the exercise of its powers.

(3) The Council shall not incur any expenses except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (4).

(4) Once during every financial year (which shall end on the thirty-first of March), at such time as the Minister may direct, the Council shall submit to the Minister, for his approval, estimates of the income and expenditure of the Council during the ensuing financial year, and the Council may also, during the course of a financial year, submit to the Minister, for his approval, supplementary estimates of expenditure for that year.

16. (1) The Council shall cause proper records to be kept of all moneys received or expended by it, and of all its assets and liabilities and of all its financial transactions, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received and the expenditure incurred by it during, and its assets and liabilities at the end of, that financial year.

Keeping of records, preparation of statement of accounts and balance sheet, and audit.

(2) The records, statements of account and balance sheet referred to in subsection (1) shall be audited by the Controller and Auditor-General, at such remuneration as may be agreed upon or, in the absence of agreement, as the Minister of Finance may determine.

17. (1) The Minister shall after consultation with the Council and the Minister of Finance determine the establishment of the Council.

Establishment, and conditions of service of staff, of Council.

(2) The conditions of service of the officers and employees of the Council shall be prescribed by regulation.

(3) Every officer and every employee of the Council shall receive such salary, wage or remuneration and allowances as the Council may subject to the regulations determine in his case.

(4) The Council may with the approval of the Minister and subject to such conditions as he may determine engage any person seconded to the service of the Council in accordance with the provisions of section 13 (6) of the Public Service Act, 1957 (Act No. 54 of 1957), or in any other manner.

18. (1) Any person who immediately prior to the fixed date was in the full-time employ of the Road Safety Council as an officer or an employee shall, from the fixed date, become an officer or an employee, as the case may be, of the Council.

Continued employment and conditions of service of officers and employees of Road Safety Council.

(2) Save as is expressly otherwise provided in this Act, the conditions of service of any person referred to in subsection (1) shall continue as they were immediately prior to the fixed date and, except with his own consent or in accordance with a provision of this Act or any other law, the salary or wage and the scale of salary or wage at or in accordance with which any such person was remunerated immediately prior to the fixed date, shall not be reduced.

(3) Notwithstanding any limitation in respect of age or educational qualifications which may be prescribed by regulation, but subject otherwise to the provisions of any such regulation, any person referred to in subsection (1) who has not yet attained the age prescribed for the retirement of officers or employees of the Council, may in terms of section 7 be appointed on probation or otherwise to a post established in terms of section 17 (1), provided the Council is satisfied that such person is sufficiently proficient in the use of both official languages of the Republic to enable him to discharge efficiently the duties attached to that post.

(4) The salary or wage of any person appointed in terms of subsection (3) shall be adjusted to the scale of salary or wage applicable to the post to which he has been appointed, at such notch on that scale as may be determined by the Council.

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

(5) If the salary or wage payable from time to time to any person in terms of subsection (4) is less than the salary or wage to which he was or would have been entitled in accordance with the scale of salary or wage applicable to him as an officer or an employee of the Road Safety Council immediately prior to the fixed date, there shall be paid to him an allowance equal to the difference between the first-mentioned and the last-mentioned salaries or wages, as the case may be.

19. (1) Notwithstanding the repeal of the South African Road Safety Council Act, 1960 (Act No. 1 of 1960), by this Act, the Personnel Superannuation Fund referred to in section 20 of the first-mentioned Act shall continue to exist, subject to the provisions of the rules governing the said Fund.

Continued existence of the National Road Safety Organization Personnel Superannuation Fund.

(2) All persons who immediately prior to the fixed date were members of the said Personnel Superannuation Fund, shall, subject to the provisions of the said rules and section 20 of this Act, continue to be members thereof, and in the application of such rules in respect of such members, service with the Council shall be deemed to be service with the Road Safety Council.

(3) The said rules may from time to time be amended by the Minister by regulation on the recommendation of the Board of Trustees of the said Personnel Superannuation Fund and after consultation with the Council: Provided that the rights and benefits of any person who already is a member of the said superannuation fund, shall not be prejudicially affected by any such amendment.

20. (1) The Council may, subject to the approval of the Minister, establish and conduct or assist in establishing or conducting—

Establishment of pension or provident funds and other schemes.

(a) pension or provident funds for the officers and employees of the Council, either in addition to or in substitution of the superannuation fund referred to in section 19 (1) or any other pension or provident fund; and

(b) mutual or medical benefit societies and home ownership schemes for the said officers and employees, either by way of contracts of insurance entered into by or on behalf of the said officers and employees or in some other manner.

(2) The Council may, subject to the approval of the Minister, insure such of its officers or employers as are excluded from the definition of "workman" in section 3 of the Workmen's Compensation Act, 1941 (Act No. 30 of 1941), without having regard to subsection (1) (b) of the said section, against disablement or death resulting from accidents or scheduled diseases as defined in that Act, either by way of special arrangement with the Workmen's Compensation Commissioner as provided for in the said section or in some other manner.

(3) The Council may, subject to the approval of the Minister, and subject to such conditions as the Minister may determine when granting such approval, insure any of its officers and employees in respect of whom the Council considers it necessary to do so, against disablement or death sustained or taking place in the execution of their duties, to supplement any indemnification in accordance with the provisions of the Workmen's Compensation Act, 1941.

(4) Any pension or provident funds or mutual or medical benefit societies or home ownership schemes established in terms of subsection (1) shall be administered in the manner prescribed by regulation.

21. The Council may arrange with an insurer for insurance against any patrimonial damage or loss or against claims of any nature or certain classes of claims which may be instituted against the Council by or in respect of persons generally or by or in respect of certain classes of persons or by or in respect of particular persons or property.

Insurance against patrimonial damage or loss or claims.

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972.

22. (1) If the Minister, after consultation with the Minister of Finance, is of opinion that a member of the Council who is a member of the public service, devotes the whole or a substantial portion of his time to his functions as a member of the Council, the Minister may, after such consultation, direct the Council to refund to the State any amount paid by the State in respect of such member to a fund referred to in subsection (2), or so much thereof as the Minister may after such consultation determine.

Contributions to and expenses incurred in connection with pension and provident funds and certain societies and schemes.

(2) The Council shall pay to any pension or provident fund or mutual or medical benefit society or home ownership scheme, in respect of any person in the employ of the Council, the contributions payable in respect of such person by his employer in terms of the rules or regulations governing such fund, society or scheme, or refund to the State or any person any such contributions paid by the State or such person.

(3) The Council shall pay the expenses necessarily incurred by the Board of Trustees of the superannuation fund mentioned in section 19 in the performance of its functions.

23. (1) The Council shall, as soon as possible after the end of each financial year, furnish the Minister with a report in respect of—

Reports by Council.

(a) the effect of any legislation contemplated in subsection (1), or of any regulations contemplated in subsection (2), of section 26; and

(b) its work during that financial year, together with a balance sheet and a full statement of its income and expenditure for that financial year,

and shall, in the report so furnished, also give particulars as to—

(i) the extent and value of all classes of property held by it;

(ii) the expenses of management and administration and all other expenses incurred by it;

(iii) the erection, construction, repair, improvement or alteration of any building or equipment, and the costs thereof;

(iv) the price or rent of any land or other immovable property acquired or hired; and

(v) any other matter which the Minister may require it to deal with in the report.

(2) Every report furnished under subsection (1) shall be laid by the Minister upon the Table of the Senate and of the House of Assembly within thirty days after receipt thereof by him, if Parliament is in ordinary session or, if Parliament is not in ordinary session, after the commencement of its next ensuing ordinary session.

24. The Minister may accept, amend or reject any recommendation of the Council or remit it to the Council for reconsideration.

Powers of Minister in regard to recommendations of Council.

25. (1) A levy of fifty cents shall be payable on every motor vehicle, as defined in section 1 of the Motor Vehicle Insurance Act, 1942 (Act No. 29 of 1942),—

Levy on motor vehicles.

(a) which in terms of section 19 (1) of the said Act may not be driven on a public road unless it has in terms of section 3 or 5 of the said Act been insured or has in terms of section 21 thereof been exempted from the provisions of the said section 19 (1), or which is referred to in section 19 (2) (b) of the said Act; or

(b) which is referred to in section 19 (2) (a) of the said Act and is used on a public road or a place to which the public have access, excluding any motor vehicle of which another state or a government outside the Republic is the owner.

(2) The levy shall be payable by the owner of the motor vehicle in question as defined in section 1 of the Motor Vehicle Insurance Act, 1942, and—

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972.

- (a) in the case of a motor vehicle referred to in subsection (1) (a) of this section, in respect of every appropriate insurance period, as so defined, which commences after the commencement of this Act, or in respect of any portion of such period for which any such motor vehicle is insured under the said Act or is in terms of section 21 of that Act exempted from the provisions of section 19 (1) thereof; and
- (b) in the case of a motor vehicle referred to in subsection (1) (b), in respect of every period from the first May in any year to the thirtieth April in the following year, or any portion of such period, during which the motor vehicle is owned.

(3) For the purposes of the payment of the levy in the case of a motor vehicle referred to in subsection (1) (a), the amount of the premium payable in terms of the Motor Vehicle Insurance Act, 1942, for the insurance of a motor vehicle, shall be increased by an amount of fifty cents, and the last-mentioned amount shall, subject to the provisions of subsection (6), for all purposes be deemed to be portion of that premium.

(4) For the purposes of the calculation of the levy in the case of insurance in accordance with section 5 of the Motor Vehicle Insurance Act, 1942, the number of motor vehicles which the owner in question owns shall be the number agreed upon between himself and the insurer in question.

(5) The Minister shall not issue to any person a token in terms of subsection (2) of section 21 of the Motor Vehicle Insurance Act, 1942, unless such person has paid, in addition to the amount referred to in the said subsection, the levy to the Minister.

(6) Any amount received by way of levy in terms of this section by any person other than the Council, shall once in a month be paid over to the Council.

26. (1) (a) The Minister may refer any recommendation of the Council accepted by him to the executive committee of a province or the territory of South-West Africa with a request that, as far as the recommendation relates to a matter falling within the power of the provincial council concerned or the legislative assembly of the said territory, appropriate laws be made to give effect to the recommendation.
- (b) If any such recommendation is not acceptable to any executive committee concerned, the Minister shall, if requested thereto by such executive committee, afford it an opportunity to make representations to him in connection with the matter.
- (c) If after consideration of the said representations, the Minister is nevertheless satisfied that the giving of effect to the recommendation will promote road safety, he may recommend to the State President that regulations be made in terms of subsection (2) to give effect to the recommendation.

Certain legislation relating to road safety.

(2) The State President may on the recommendation of the Minister and by proclamation in the *Gazette* make regulations to promote road safety in the Republic.

(3) Different regulations may under subsection (2) be made in respect of different areas or roads.

(4) Regulations under subsection (2) may prescribe penalties for a contravention thereof or failure to comply therewith.

(5) In the event of a conflict between a regulation made under subsection (2) and an ordinance or a regulation or by-law made under an ordinance, the first-mentioned regulation shall prevail.

27. (1) The Minister may, after consultation with the Council, Regulations, make regulations as to—

NATIONAL ROAD SAFETY ACT, 1972.

Act No. 9, 1972

- (a) the convening and control of, and the procedure and quorum at, meetings of the Council and the Managing Committee;
 - (b) any matter which is in terms of this Act required or permitted to be prescribed by regulation;
 - (c) generally any matter which he considers it necessary or expedient to prescribe for the effective exercise or performance by the Council or the Managing Committee of its powers and functions in terms of this Act.
- (2) Regulations under subsection (1) relating to the conditions of service of the officers and employees of the Council shall only be made after consultation with the Minister of Finance.

28. The South African Road Safety Council Act, 1960, the South African Road Safety Council Amendment Act, 1965, and the South African Road Safety Council Amendment Act, 1966, are hereby repealed. Repeal of Act 1 of 1960, Act 53 of 1965 and Act 47 of 1966.

29. This Act and any amendment thereof shall also apply in every territory in respect of which Parliament is competent to legislate. Where Act applicable.

30. This Act shall be called the National Road Safety Act, 1972, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*. Short title and commencement.