NATIONAL ROAD TRAFFIC ACT 93 OF 1996

NATIONAL ROAD TRAFFIC REGULATIONS, 2000

[Date of coming into operation: 1 August 2000 – unless otherwise indicated]

Published under Government Notice R225 in *Government Gazette* 20963 of 17 March 2000 and amended by:

GN R761	GG 21425	31/7/2000	(First Amendment)
GN R941	GG 21569	22/9/2000	(Second Amendment)
GN R726	GG 22553	3/8/2001	(Third Amendment)
gN 2116	GG 22736	5/10/2001	(Fourth Amendment)
GN R779	GG 23484	4/6/2002	(Fifth Amendment)
GN R1341	GG 25484	25/9/2003	(Sixth Amendment)
GN R881	GG 26598	23/7/2004	(Seventh Amendment)
GN 871	GG 27999	2/9/2005	(Eighth Amendment)
(revoked by GN R891/2006)			
GN R1066	GG 28227	23/11/2005	(Ninth Amendment)
Gen N 1318	GG 28258	2/12/2005	(Correction Notice)
Gen N 1319	GG 28258	2/12/2005	(erroneously published as
Ninth Amendment)			
GN R92	GG 28446	7/4/2006	(Eleventh Amendment)
GN R891	GG 29195	4/9/2006	(Eighth Amendment)
GN 964	GG 29260	29/9/2006	(Twelfth Amendment)

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

SCHEDULE

NOTE:

The Regulations have been amended by gN 2116/2001 as follows:

(a) the substitution for the expression "mini-bus"wherever it occurs, of the expression "minibus";

(b) the substitution for the expression "midi-bus"wherever it occurs, of the expression "midibus";

(c) the substitution for the expression "per cent"wherever it occurs, of the expression "percent".

Arrangement of regulations

CHAPTER I

DEFINITIONS

1 . Definitions

CHAPTER II
REGISTERING AUTHORITIES AND AUTHORISED OFFICERS

Part I
Matters relating to registering authorities

1A. Procedure in case of dispute in relation to appropriate registering authority

Part II
Authorised Officers

1B. Manner of application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer
1C. Manner of registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer
2. Grades of examiner of vehicles and examiner for driving licences
2A. Manner of suspension or cancellation of registration of authorised officer

Part III
Requirements for approval of training centres

2B. Requirements for approval of training centres by Shareholders Committee

CHAPTER III
REGISTRATION AND LICENSING OF MOTOR VEHICLES, AND REGISTRATION OF MANUFACTURERS, BUILDERS AND IMPORTERS, AND MANUFACTURERS OF NUMBER PLATES

Part I
Registration and licensing of motor vehicles

3. Motor vehicle to be registered

4. Motor vehicle deemed to be registered
5. Motor vehicle exempt from registration
6. Date on which registration of motor vehicle becomes null and void
7. Date and conditions on which motor vehicle to be registered
8. Manner of application for registration of motor vehicle
9. Additional requirements for registration of motor vehicle built up from parts
9A. Additional requirements for registration of deregistered motor vehicles
9B. Additional requirements for registration of motor vehicle deregistered due to not being licensed
10. Additional requirements for registration of motor vehicle acquired from estate of deceased person
11. Additional requirements for registration of repossessed motor vehicle
12. Additional requirements for registration of motor vehicle acquired outside borders of Republic
12A. Additional requirements for registration of motor vehicle previously deregistered as stolen
13. Manner of registration of motor vehicle
13A. Prohibition of registration of permanently demolished motor vehicle
14. Application by and appointment of manufacturer or importer as agent of registering authority
15. Introduction of motor vehicles by manufacturer or importer appointed as agent
16. Application for registration certificate in respect of motor vehicle introduced by manufacturer or importer
17. Deregistration of registered motor vehicle which becomes exempt from registration
18. Motor vehicle to be licensed
19. Motor vehicle deemed to be licensed
20. Motor vehicle exempt from licensing
21. Special classification of motor vehicle in relation to motor vehicle licence fees
22. Date on which motor vehicle licence and licence disc of motor vehicle becomes null and void
23. Date on which motor vehicle to be licensed
24. Manner of application for licensing of motor vehicle
25. Manner of licensing of motor vehicle
25A. Electronic motor vehicle licensing
26. Period of validity of motor vehicle licence and licence disc
26A. Consequences of failure to licence motor vehicle
27. Licence mark and licence number system
28. Personalised licence number system
28A. Cancellation of personalised licence number
29. MEC may change allocated licence number

30. Motor vehicle licence assessment
31. Additional requirements for application for licensing in the case of alteration or reconstruction of registered motor vehicle
32. Procedure on change of appropriate registering authority due to owner moving
33. Procedure on re-defining of area of registering authority
34. Procedure on change of licence mark of registering authority or licence number system of province
35. Display of licence number
36. Display of licence disc or licence and roadworthy certificate disc
37. Procedure for refund of motor vehicle licence fees

Part II
Registration of manufacturers, builders, importers and manufacturers of number plates

38. Certain manufacturers, builders and importers to register
39. Manner of application for registration as manufacturer, builder or importer
40. Manner of registration of manufacturer, builder or importer
41. Conditions for registration of manufacturer, builder or importer
42. Manner of suspension or cancellation of registration of manufacturer, builder or importer
43. Manufacturers, builders or importers not required to register must comply with conditions
44. Powers and duties of inspectorate of manufacturers, builders and importers
45. Fee to defray expenditure incurred by inspectorate of manufacturers, builders and importers
46. Procedure for change of particulars of registered manufacturer, builder or importer
47. Manner of change of conditions upon which manufacturer, builder or importer is registered
48. Manufacturers of number plates to register
49. Manner of application by, and registration of manufacturers of number plates
50. Conditions for registration as manufacturer of number plates
51. Manner of suspension or cancellation of registration of manufacturer of number plates

Part III
General

52. Procedure for change of particulars of title holder or owner of registered motor vehicle
53. Duty of title holder and owner of motor vehicle where such title holder or owner changes

53A. Procedure when owner requests motor dealer to display motor vehicle on dealers premises
54. Procedure if motor vehicle is stolen
55. Procedure if a motor vehicle becomes permanently unfit for use as motor vehicle or has been permanently demolished
55A. Procedure if motor vehicle is impounded by South African Police Service
56. Number to be affixed to motor vehicle
57. Penalties for late registration or licensing
58. Registration and licence fees not payable in respect of certain vehicles
59. Arrear fees for licensing of motor vehicle or motor trade number
60. Period of grace
61. Procedure when cheque is dishonoured
62. Duty to furnish information
63. Duty of registering authority in respect of records
64. Confirmation of information in respect of motor vehicle
64A. Manner of application for registration as an external road traffic register user
64B. Manner of registration as an external road traffic register user
64C. Conditions for registration as an external road traffic register user
64D. Manner of suspension or cancellation of registration as an external road traffic register user
65. Exporting of motor vehicle
66. Manner in which mass measuring certificate to be obtained
67. Manufacturer, builder or importer to provide certificate
68. Registration certificate to be submitted by owner and title holder under certain circumstances

CHAPTER IV
MOTOR TRADE NUMBERS, TEMPORARY AND SPECIAL PERMITS

Part I
Motor Trade Numbers

69. Motor vehicles may be operated under motor trade number under certain circumstances
70. Manner of application for motor trade number
71. Motor trade number system
72. Manner of issue of motor trade number
73. Motor trade number to be licensed
74. Date on which motor trade number to be licensed
75. Manner of application for a motor trade number licence

76. Manner of licensing of motor trade number
77. Period of validity of motor trade number licence and motor trade number licence disc
78. Motor trade number licence assessment
79. Procedure for change of particulars of holder of motor trade number
80. Cancellation of motor trade number
81. Number issued in prescribed territory
82. Display of motor trade number and motor trade number licence disc
83. Right of appeal to MEC

Part II
Temporary and special permits

84. Circumstances in which motor vehicle may be operated on public road under temporary or special permit
85. Manner of application for temporary or special permit
86. Temporary or special permit number system
87. Manner of issue of temporary or special permit
88. Period of validity of temporary and special permit
89. Display of temporary or special permit
90. Duty of motor dealer in respect of temporary permit

CHAPTER V
FITNESS OF DRIVERS

Part I
Driving licence testing centres

91. Manner of application for registration of driving licence testing centre and identification of management representative
92. Requirements for registration as driving licence testing centre
93. Manner of registration of driving licence testing centr
94. Change of registration particulars
95. Grades of driving licence testing centres
96. Manner of suspension or cancellation of registration of driving licence testing centre
97. Powers and duties of inspectorate of driving licence testing centres
98. …….

Part II
Learner's and driving licences

99. Categories of learner's and driving licences, classes of motor vehicles relating to each category of such licences and authority conveyed by such licences
100. Authorisation which serves as licence in terms of section 12 of Act
101. Period of validity of learner's licence and driving licence
102. Defective vision disqualifying person from obtaining or holding licence
103. Manner of application for learner's licence
104. Manner and contents on which applicant for learner's licence to be tested and examined
105. Issue of learner's licence
106. Manner of application for driving licence
107. Manner and contents on which applicant for driving licence to be examined and tested
108. Manner of issue of driving licence
109. Application for and issue of duplicate of licence
110. Conditions for acknowledgement and exchange of a driving licence not issued in terms of Act, and international driving permit
111. Application for driving licence in terms of section 19 of Act and regulation 110(6)(a)
112. Application for driving licence in terms of section 20 of Act and regulation 110(6)(b)
112A. Authorisation to allow person to receive driving licence card on behalf of another person
113. Manner of notification of new residential and postal address
113A. Procedure after suspension or cancellation of licence in terms of section 34 of the Act
114. Manner of application for and issue of licence free of endorsements

Part III
Instructors

114A. Application for registration as instructor
114B. Examination and test to determine competence to act as instructor
114C. Registration of instructor
114D. Cancellation or suspension of registration of instructors
114E. Application for amendment of registration of instructor

Part IV
Professional Driving Permit

115. Certain drivers of certain vehicles to hold professional driving permit
116. Categories of, and authority conveyed by, professional driving permit
117. Disqualification from obtaining professional driving permit
118. Application for professional driving permit
119. Manner of issue of professional driving permit

120. Professional driving permit remains in force after application
121. Application for duplicate driving licence card on which professional driving permit appears
122. Period of validity of professional driving permit, re-application and re-issuing
123. Suspension or cancellation of professional driving permit
124. Prohibition on permitting or assisting person not being holder of professional driving permit to drive vehicle
125. Referral of application to MEC
126. Records to be kept by driving licence testing centre of professional driving permits
127. Voidness of professional driving permit issued contrary to regulations

CHAPTER VI
FITNESS OF VEHICLES

Part I
Testing stations, roadworthy certificates and certification of roadworthiness

128. Manner of application for registration of testing station
129. Requirements to be met for registration of testing station
130. Manner of registration of testing station
131. Notification by management representative of change of particulars of testing station
132. Grades of testing stations
133. Conditions for provisionally registered testing stations
134. Manner of suspension or cancellation of registration of testing station
135. Powers and duties of inspectorate of testing stations
136. Fee to defray expenditure incurred by inspectorate of testing stations
137. Testing stations authorised to examine and test certain motor vehicles
138. Certification of roadworthiness required in certain circumstances
139. Manner of application for certification of roadworthiness
140. Examination and testing of motor vehicle for roadworthiness
141. Manner of certification of roadworthiness
142. Certain classes of motor vehicles requiring roadworthy certificate
143. Issue of roadworthy certificate
144. Voidness of roadworthy certificate
145. Period of validity of roadworthy certificate
146. Provisions of Act to prevail
147. Notice in terms of section 3F(a) or section 3I(a) of Act to direct that motor vehicle be taken to testing station
148. Notice in terms of section 44 of Act to discontinue operation of motor vehicle

Part II

Equipment on or in respect of vehicles

149. Brakes on motor vehicles
149A. Anti-theft device fitted to brakes prohibited
150. Brakes on motor cycle, motor tricycle or motor quadrucycle
151. Brakes on trailers
152. Brakes on pedal cycles
153. Brakes on unspecified vehicles
154. Specifications for brakes
155. Braking performance of service, emergency and parking brakes
156. Condition and operation of brakes
157. Vehicles to be equipped with certain lamps and times when certain lamps to be lighted
158. Visibility distance of lights
159. Head lamps
160. Main-beam
161. Dipped-beam
161A. Daytime running lamp
162. Lights to be displayed on stationary or parked motor vehicle
163. Fog lamps
164. Parking lamps
165. When parking lamps to be kept lighted
166. Front-position lamps
167. End-outline-marker lamps
168. Rear lamps
169. Stop lamps
170. Number plate lamps
171. Side-marker lamps
172. Interior lamps
173. Lamp illuminating notice on motor vehicle
174. Decorating lamps
175. Reversing lamps
176. Identification lamps
177. Use of spot lamp
178. Lamps on pedal cycle
179. Lamps on animal drawn vehicles
180. Lamps on unspecified vehicles
181. Colour of lights
182. Certain lamps to emit diffused lights

183. Lamps to emit steady light
184. Manner in which lamps to be fitted and maintained
185. Lamps not prescribed or authorised, prohibited
186. White retro-reflectors to be fitted on front of certain vehicles
187. Red retro-reflectors to be fitted on rear of certain vehicles
188. Yellow retro-reflectors to be fitted on sides of certain motor vehicles
189. General requirements for retro-reflectors
190. Rear retro-reflectors on vehicles with certain bodies
191. Warning sign on rear of certain motor vehicles (chevrons)
192. Unlawful use of reflector or reflective material
192A. Side and rear retro-reflective material to be fitted to vehicles (Contour markings)
193. Motor vehicle to be equipped with direction indicators
194. Direction indicators of flasher type
195. Direction indicator of illuminated window-type
196. Combination of different types of direction indicators
197. Direction indicators on motor vehicles with overall length in excess of 7,6 metres
198. General requirements for direction indicators
199. Prohibition of use of direction indicator not complying with regulations
200. Steering gear
201. Warning devices
202. Glass of windscreen, window and partitions
203. Windscreen wiper
204. Driving view to be unobstructed
205. Fuel tank, electrical wiring and battery
206. Engine of motor vehicle to be covered
207. Compulsory wearing of protective helmet in respect of motor cycle
208. Manner in which side-car to be attached to motor cycle
209. Exhaust silencers and exhaust pipes
210. Entrances and exits
211. Motor vehicle to be capable of travelling backwards and forwards
212. Tyres
213. Seatbelts
214. Emergency warning signs (Triangle)
215. Speedometers
216. Motor vehicles operated on public road to comply with compulsory vehicle specifications
217. Wheel flaps
218. Rear underrun protection device
219. Axle or axle unit to be fitted to semi-trailer
220. Certain vehicles exempt from certain provisions of this Part

Part III

Dimensions of vehicles

221. Overall length of vehicle
222. Restriction on combination of motor vehicles
223. Overall width of vehicle
224. Overall height of vehicle and load
225. Turning radius and wheelbase
226. Overhang of vehicle
227. Projections in case of vehicle other than motor cycle, motor tricycle, motor quadrucycle or pedal cycle
228. Projections in case of motor cycle, motor tricycle, motor quadrucycle or pedal cycle
229. Warning in respect of projecting load
230. Certain vehicles exempt from provisions of this Part

Part IV

Loads on vehicles

231. Manner in which children to be counted for purposes of regulations
232. Mass of person and luggage for determining maximum load for homologation and testing purposes
233. Number of persons that may be carried on motor vehicle in relation to seating capacity
234. Permissible maximum axle massload of vehicle
235. Permissible maximum axle unit massload of vehicle
236. Permissible maximum vehicle mass
237. Permissible maximum combination mass
238. Load on tyres
239. Gross vehicle mass, gross axle massload, gross axle unit massload, gross combination mass, power to mass ratio and axle massload of driving axle to total mass ratio not to be exceeded
240. Massload carrying capacity of road
241. Massload carrying capacity of bridges
242. Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres
243. Axle massload of vehicles fitted with tyres other than pneumatic tyres
244. Information to be displayed on certain motor vehicles
245. Information plates on certain vehicles
246. Manner in which goods to be carried

247. Circumstances under which persons may be carried on goods vehicle
248. Presumptions
249. Certain vehicles exempt from provisions of this Part

Part V
Provisions relating to passenger carrying vehicles

250. Persons not to be carried in goods compartment for reward
251. Sides and roof
252. Entrances, exits and emergency exits of minibuses and buses
253. Entrances and exits to be fitted with doors
254. Stairs
255. Passageways
256. Seats
257. Goods carried in minibus or bus conveying persons for reward
258. Windows and windscreens
259. Fuel receptacles, etc
260. Fire extinguishers
261. Rearview mirrors
262. Tilt angle
263. Standing persons
264. Special provisions relating to school buses

CHAPTER VII
OPERATOR FITNESS

265. Classes of motor vehicles in respect of which operator to be registered
266. Categories of, and authority conveyed by, operator card
267. Manner of registration of operator, issue of operator card and period of validity of operator card
268. Application for and issue of duplicate operator card
269. Conditions under which temporary operator card issued
270. Change of particulars
271. Procedure in case of suspension
272. Manner in which operator card to be displayed on motor vehicle

CHAPTER VIII
TRANSPORTATION OF DANGEROUS GOODS AND SUBSTANCES BY ROAD

273. Definitions

273A. Incorporation of standards
274. Application
274A. Other legislation applicable
275. Transportation of dangerous goods prohibited
276. Exemptions
277. Duties of operator, driver, consignor and consignee
278. Dangerous goods to be compatible
279. Authority for classification and certification of dangerous goods
280. Driver to undergo training
281. Documents to be held by driver
282. Dangerous goods inspectors
283. Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors
283A. Powers, duties and functions of traffic officers in relation to dangerous goods
283B. Presumption regarding the transportation of dangerous goods and the quantity of such goods

CHAPTER IX
ROAD TRAFFIC SIGNS AND GENERAL SPEED LIMIT

Part I
Road traffic signs

284. Definitions
285. Purpose, classification and types of road traffic signs
286. Dimensions for manufacture of road traffic signs
286A. Colours for manufacture of road traffic signs
287. Manner of display of road signs and road signals
287A. Manner of display of traffic signal
288. Signs regulating parking, stopping and hawkers
289. Authority to enter premises contrary to regulatory sign
290. Prohibition on advertising material on road traffic sign or road traffic sign used in advertisement
291. Transitional provision

Part II
Speed limits

292. General speed limits
293. Speed limit for particular class of vehicle

294. Speed limit in relation to tyres
295. Speed limit in relation to braking capability

CHAPTER X

RULES OF THE ROAD AND MATTERS RELATING THERETO

Part I

Rules of the road

296. Vehicle to be driven on left side of roadway
296A. Dedicated public transport vehicle or high occupancy vehicle lanes
297. Driving on divided public road
298. Passing of vehicle
298A. Prohibition on driving on shoulder of public road, except in certain circumstances
299. Crossing or entering public road or traffic lane
300. Driving signals
301. Right of way at certain road junctions
302. Procedure when turning
303. Towing of vehicles
304. Stopping of vehicles
305. Parking of vehicles
306. Certain vehicles may be stopped and parked at any place where necessary
307. Compulsory stops
308. General duties of driver or passenger of vehicle on public road
308A. Prohibition on use of communication device while driving
309. Duties relating to motor cycle, motor tricycle or motor quadrucycle
310. Vehicle causing excessive noise
310A. Use of hooter
311. Riding on pedal cycles
312. Device running on rails
313. Animal on public road
314. Animal-drawn vehicles
315. Pedestrian's right of way in pedestrian crossing
316. Duties of pedestrians
317. Racing and sport on public roads
318. Convoys on public road
319. Hindering or obstructing traffic on public road
320. Vehicle left or abandoned on public road
321. Damage to public roads
322. Trading on public roads

323. Special provisions relating to freeways

Part II
Driving signals and signals for the control of traffic

324. Left-turn hand signal
325. Right-turn hand signal
326. Use of direction indicators in lieu of hand signals
327. Signal to indicate intention to reduce speed
328. Permissible hand signals
329. Signals for use by traffic officer for control of traffic

Part III
General

330. Towing of vehicles

CHAPTER XI
REGISTERS AND RECORDS

331. Matters relating to registers and records

CHAPTER XII
MATTERS RELATING TO DRIVING WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUG HAVING NARCOTIC EFFECT, AND OFFENCES AND PENALTIES

332. Equipment used in ascertaining concentration of alcohol in breath
333. Offences and penalties

CHAPTER XIII
MISCELLANEOUS

334. Vehicles owned by Department of Defence exempt
335. Application for and issue of traffic register number and certificate
335A. Inspector of licences or traffic officer entitled to free use of certain facilities
335B. Officer to use prescribed forms
336. Proxy and representative
337. Prohibition of use of certain lamps or lighting devices
337A. Duplicate of document or token

CHAPTER XIV

TRANSITIONAL PROVISIONS, REPEAL OF REGULATIONS AND TITLE AND COMMENCEMENT

338. Transitional provisions: References to chief executive officer, Shareholders Committee, and Corporation

338A. Transitional provisions: References to sections of Act not yet in force

339. Transitional provisions: Fees

340. Transitional provisions: Training centres

341. Transitional provisions: Manufacturers of number plates

342. Transitional provisions: Professional driving permits

343. Transitional provisions: Instructors

343A. Transitional provisions: Forms

343B. Transitional provisions: Exemption from laws relating to parking

343C. Transitional provision: Validation of things done by local authorities

343D. Transitional provisions: Category "D" operator card

343E. Transitional provision: Driving licences

344. Transitional provisions: General

345. Repeal of regulations

346. Title and commencement

SCHEDULE 1

CLASS I: ROAD SIGNS

- (i) Regulatory Signs
  - (aa) Control Signs
  - (bb) Command Signs
  - (cc) Prohibition Signs
  - (dd) Reservation Signs
  - (ee) Comprehensive Signs
  - (ff) Exclusive Secondary Signs
  - (gg) De-restriction Signs
- (ii) Warning Signs
  - (aa) Advance warning signs
  - (bb) Hazard Marker Signs
- (iii) Guidance Signs
  - (aa) Location Signs
  - (bb) Route marker signs
  - (cc) Direction Signs
  - (dd) Freeway Direction Signs
  - (ee) Tourism Direction Signs

(ff) Local Direction Signs

(gg) Diagrammatic Signs

(hh) Pedestrian signs

(iv) Information Signs

CLASS II: ROAD MARKINGS

(i) Regulatory markings

(ii) Warning Markings

(iii) Guidance Markings

CLASS III : ROAD SIGNALS

(i) Regulatory Signals

(ii) Warning Signals

ANNEXURE TO SCHEDULE 1

SCHEDULE 2

CHAPTER I

DEFINITIONS

1. Definitions

In these regulations, an expression that has been defined in the Act has that meaning and, unless the context indicates otherwise-

"acceptable identification" means -

(a) in the case of a person, a temporary identity certificate, an identity document or identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997);

(b) in the case of a person, a valid South African passport issued to a South African citizen;

(c) in the case of a person not permanently resident in the Republic, an identity document issued by a foreign country or a traffic register number certificate issued in terms of regulation 335;

(d) in the case of -

(i) a company, a certificate of incorporation or name change issued in terms of the Companies Act, 1973 (Act No. 61 of 1973); or

(ii) a close corporation, a founding statement or a certificate of name change issued in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984);

(e) in the case of -

(i) a person carrying on a business which, for the purposes of this definition, includes farming activities; or

(ii) a body of persons not referred to in paragraph (d), a traffic register number certificate issued in terms of regulation 335;

(f) in the case of a person, a driving licence card issued in terms of regulation 108; or

(g) for the purposes of the identification of a person with an application in terms of regulation 8, 24 or 139 or for the purposes of the identification of a person carrying on a business and its proxy and representative, an original certified copy of the applicable certificate or document referred to in paragraph (a), (b), (c), (d) or (e):

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

[Definition of "acceptable identification" substituted by GN R1341/2003 and GN R881/2004]

"adaptor dolly" means a semi-trailer with one or more axles, designed or adapted -

(a) to be attached between a truck-tractor and semi-trailer; and

(b) not to carry any load other than that imposed by a semi-trailer;

"air suspension" in relation to an axle unit of a motor vehicle means a method of providing an upward force on an axle in an axle unit which transmits a downward force to the remaining axle or axles in the axle unit, by pneumatic means;

"anti-burst stabilizer device" means any device fitted for the purposes of ensuring that the tyre does not detach from the rim or preventing the tyre from bursting;

[Definition of "anti-burst stabilizer device" inserted by GN R891/2006]

"appropriate registering authority" means -

(a) subject to the provisions of paragraphs (b), (c) and (d), in relation to any matter referred to in these regulations-

(i) in relation to a person, the registering, authority in whose area of jurisdiction such person permanently resides;

(ii) in relation to a person carrying on a-business, which for the purposes of these regulations includes farming activities, the registering authority in

whose area of jurisdiction such business is situated: Provided that every branch of such business shall be deemed to be a separate business;

(iii) in relation to a body of persons which has a fixed address, the registering authority in whose area of jurisdiction such address is: Provided that every branch of such body shall be deemed to be a separate body of persons; or

(iv) in relation to a body of persons which does not have a fixed address, the registering authority in, whose area of jurisdiction the proxy or representative of such body permanently resides: Provided that every branch of such body shall be deemed to be a separate body of persons;

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

(i) subject to the provisions of items (ii), (iii), (iv) and (v), the appropriate registering authority of the title holder, and in the case of an application for a registration certificate as contemplated in regulation 16, the appropriate registering authority of the title holder or owner, whatever the case may be;

(ii) if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, until a registration certificate has been issued in respect of such motor vehicle;

(iii) of which the title holder is a department of State which has been appointed as a registering authority, such department of State;

(iv) of which the title holder is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons determined by the Minister of Foreign Affairs, the Department of Foreign Affairs;

(v) of which the title holder does not permanently reside in the Republic, the appropriate registering authority of the owner;

(vi) the appropriate registering authority of the owner; or

(vii) the appropriate registering authority of the motor dealer or seller;

[Para. (b) amended by Gen N 2116/2001 and substituted by GN R881/2004]

(c) in relation to the licensing of a motor vehicle-

(i) subject to the provisions of items (ii) and (iii), the appropriate registering authority of the owner;

(ii) of which the owner is a department of State which has been appointed as a registering authority, such department of State; or

(iii) of which the owner is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons as determined by the Minister of Foreign Affairs, the Department of Foreign Affairs;

(d) in relation to any other matter and in any circumstances not provided for in the foregoing, the registering authority nominated by the MEC concerned;

"approval mark" means -

(a) the approval mark of the Economic Commission for Europe denoted by the mark 'E';

(b) the approval mark of the European Economic Committee denoted by the mark 'e'; or

(c) any other approval mark referred to in a specification, code of practice or any directive having standardization as its aim, and issued by a national institution or organization outside the Republic for a purpose similar to that for which a certification mark has been established,

"approved" means approved by the chief executive officer by notice in the Gazette;

"axle" in relation to a vehicle, means a device or set of devices, whether continuous across the width of the vehicle or not, about which the wheels of the vehicle rotate and which is so placed that, when the vehicle is travelling straight ahead, the vertical centre-lines of such wheels would be in one vertical plane at right angles to the longitudinal centre-line of such vehicle;

"axle-massload" the sum of the wheel massload of all wheels on an axle;

"axle unit", in relation to a vehicle, means -

(a) a set of two or more parallel axles of such vehicle which are so interconnected as to form a unit; and

[Para. (a) amended by GN R1341/2003]

(b) for the purpose of the definition of "wheelbase" and Parts III and IV of Chapter VI, in the case of a trailer, two or more axles, whether interconnected or not, where the distance between adjacent axles is less than one comma two metres;

"body builder" is a sub-category of builder, and means a person who builds new bodies, or modifies existing bodies on chassis and chassis-cabs, and who is registered as a builder of new vehicles or bodies, or imports new buses, midibuses or minibuses complete with bodies, and is registered as an importer;

[Definition of "body builder" inserted by GN 871/2005 and GN R891/2006]

"body of persons", in relation to the title holder or owner of a motor vehicle means, a body of persons whether a body corporate or not, and includes -

(a) two or more persons who are joint title holders or owners of such motor vehicle, excluding joint title holders or owners who are husband and wife married in community of property; and

(b) a department of State;

"bus-train" means a bus which-

(a) consists of two sections connected to form a unit;

(b) can swivel in a horizontal plane at the connection between such sections;

(c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and

(d) has a continuous passageway over the length thereof;

"caravan" means an enclosed vehicle which is designed or adapted solely to live in and which is drawn by another vehicle;

[Definition of "caravan" inserted by GN R881/2004]

"centre-line of an axle unit' (or any like expression), means a line midway between the centre-lines of the extreme axles of an axle unit;

"certificate of compliance" means a certificate issued by the inspectorate of manufacturers, builders and importers, to any motor vehicles to complying with the requirements of this Act.

[Definition of "certificate of compliance" inserted by GN R891/2006]

"certification mark" means a certification mark as defined in section 1 of the Standards Act, 1993 (Act No. 29 of 1993);

"certification of roadworthiness" means certification of roadworthiness issued in terms of regulation 141 (2);

"converter dolly" means a trailer which has one or more axles, and, when used in combination with a semi-trailer, converts the semi-trailer into a trailer;

"convoy of motor vehicles" means six or more motor vehicles which are operated in a group on a public road;

"daytime running lamp" means a lamp facing forward which is used to make the vehicle more easily visible in the period between sunrise and sunset;

"dedicated lane" means a portion of the public road reserved during certain period for the exclusive use of a certain categories of motor vehicles, the use and the categories of vehicles of which are prescribed by an appropriate sign;

[Definition of "dedicated lane" inserted by GN 964/2006]

"direction indicator" means a device fitted to a motor vehicle for the purpose of enabling the driver of such motor vehicle to intimate his or her intention to change the direction of travel of such motor vehicle to the right or to the left;

"drawing" means drawing a vehicle designed or adapted solely for the purpose of being drawn, by a motor vehicle that is designed or adapted solely for the purpose of drawing such vehicle;

[Definition of "drawing" inserted by Gen N 2116/2001]

"driving licence card" means a driving licence card issued in terms of regulation 108(3);

"emergency brake" means a brake, other than a service brake, which can stop a vehicle;

"emergency exit" means any doorway, emergency window, escape hatch or other opening designed or constructed solely to be used as an exit in an event of an emergency;

[Definition of "emergency exit" inserted by GN 871/2005 and GN R891/2006]

"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 Service Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties, and a vehicle driven by a person engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977);

[Definition of "emergency vehicle" inserted by Gen N 2116/2001]

"emergency window" means a window capable of being opened from inside and outside, and which does not have to be necessarily glazed, and intended to be used as an emergency exit;

[Definition of "emergency window" inserted by GN 871/2005 and GN R891/2006]

"escape hatch" means an opening in the roof or on the floor intended to be used as an emergency exit;

[Definition of "escape hatch" inserted by GN 871/2005 and GN R891/2006]

"**external road traffic register user"** means a person who carries on a business and who has been registered in terms of regulation 64B;

[Definition of "external road traffic register user" inserted by GN R881/2004]

"front end", in relation to-

(a) a vehicle, other than a semi-trailer, means that part of the vehicle which projects furthest forward; or

(b) a semi-trailer, means a line running parallel with the centre-line of the king-pin and connecting the sides of the semi-trailer at the widest and furthest point in front of the king-pin;

“front overhang”, in relation to a vehicle means that portion of the vehicle, excluding any drawbar or coupling, which projects in front of the centre-line of the front axle or the foremost axle of the front axle unit or, if such vehicle has only one axle, which projects in front of the centre-line of that axle, or in the case of a semi-trailer, which projects in front of the centre-line of the kingpin: Provided that any portion of a semi-trailer which projects in front of its front end or anything attached to a semi-trailer in front of its front end and which is within an area formed by drawing, with the king-Pin as centre, an arc connecting the extreme points of the front end of the semi-trailer, shall not be deemed to be part of the front overhang of such semi-trailer;

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

“gross axle massload”, in relation to a motor vehicle, means the maximum massload of a particular axle of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;

“gross axle unit massload”, in relation to a motor vehicle, means a maximum massload of a particular axle unit of such vehicle as specified by the manufacturer thereof or, in the absence of such specification, as determined by the registering authority;

“interconnected” means, for the purpose of the definition of “axle unit”, the design is such that an upward force on one axle in an axle unit transmits a downward force to the remaining axle or axles in the axle unit;

“i**ntersection”** means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“junction” means that portion of an intersection contained within the prolongation of the lateral limits of the intersecting roadways and include any portion of the roadway between such lateral limits, and any stop or, yield line marking which is painted at such intersection;

“licence disc” means a disc issued in terms of regulation 25;

“licence number” means a number as referred to in regulation 27(3);

"longitudinal centre-line" in relation to a vehicle, means a line midway between the centre-lines of the extreme outer wheels fitted to the axles of such vehicle;

"midibus" means a sub-category of bus, designed or modified solely or principally for the conveyance of more than 16 and less than 35 seated persons (including the driver);

[Definition of "midibus" inserted by GN 871/2005 and GN R891/2006]

"minibus" means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, including the driver;

"modify" means -

(a) fitting a bus body or goods body to any chassis;

(b) altering the number of passenger seats on a bus or altering the dimensions of a bus;

(c) altering the wheelbase of a vehicle, unless the vehicle is designed to enable the wheelbase to be altered;

(d) altering the axle or axle-unit position or number of axles;

(e) altering a motor vehicle in such a manner that the tare of such motor vehicle changes;

[Para. (e) added by GN R1341/2003]

"motor car" means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, designed or adapted solely or principally for the conveyance of not more than nine persons, including the driver;

"motor quadrucycle" .....

[Definition of "motor quadrucycle" deleted by GN R1341/2003]

"motor trade number" means a motor trade number contemplated in regulation 69;

"motor trade number licence disc" means a disc issued in terms of regulation 76;

"motor trade number registration certificate" means the certificate referred to in regulation 72;

"**motor transport contractor"** means a person who carries on a business of delivering motor vehicles of which he or she is not the owner;

"motor vehicle licence" means a licence referred to in regulation 25;

"NLTTA" means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000) as it relates to public transport with specific reference to "minibus taxi type services" as defined;

[Definition of "NLTTA" inserted by GN 871/2005 and GN R891/2006]

"occupational health practitioner" means an occupational health practitioner as defined in the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), who has successfully completed a health assessment course and was duly accredited to perform the functions of an occupational health practitioner;

"operating licence" means an operating licence issued in terms of the NLTTA;

[Definition of "operating licence" inserted by GN R891/2006]

"overall length", in relation to a vehicle, means the distance between the front end and the rear end of the vehicle and, in relation to a combination of vehicles, the distance between the front end of the leading vehicle and the rear end of the rearmost vehicle;

"overall height" in relation to a vehicle, means the distance measured from ground level to the highest part of-

(a) any part of such vehicle; or

(b) any load thereon,

whichever part is the highest but, in the case of a vehicle driven by electrical power, the overall height does not include any overhead electrical contacting gear or catwalk protruding above such vehicle;

"overall width" in relation to a vehicle, means the width measured between two planes parallel to the longitudinal centre-line of the vehicle and passing through the extreme projecting points on either side of such vehicle, excluding any side mirror or direction indicator or 30 millimetres on either side in respect of the fitment of air deflectors, reflectors or dangerous goods placards;

[Definition of "overall width" substituted by GN R881/2004]

"overrun brake", in relation to a trailer means a braking system actuated by a device fitted to the drawbar of the trailer when a force is exerted on such device by reason of the inertia of the trailer;

"parking brake" means a brake, normally a hand brake, used in the ordinary course of events to keep a vehicle stationary;

"pedestrian crossing" means-

(a) any portion of a public road designated as a pedestrian crossing by an appropriate road traffic sign; or

(b) that portion of a public road at an intersection included within the prolongation or connection of the kerb line and adjacent boundary line of such road, when no pedestrian crossing has been designated by appropriate road traffic sign;

[Definition of "pedestrian crossing" substituted by GN R1341/2003]

"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 roadworthy and the chassis cannot be used to build a motor vehicle;

[Definition of "permanently demolished" inserted by GN R1341/2003]

"personalised licence number" means a licence number which shall be issued upon application under regulation 28(3);

"public transport vehicle" means a motor vehicle conveying persons for reward and operating in terms of an operating licence issued in accordance with the provision of the NLTTA;

[Definition of "public transport vehicle" inserted by GN 964/2006]

"rear end", in relation to a vehicle, means that part of the vehicle which projects furthest to the roar;

"rear underrun protection device" means the structure that is designed to prevent a vehicle from riding under the motor vehicle to which the structure is fitted;

"rear overhand", in relation to a vehicle, means that portion of the vehicle which projects to the rear of the centre-line of the rear axle or the rearmost axle of the rear axle unit or, if such vehicle has only one axle, which projects to the rear of the centre-line of that axle;

"reasonably level", in relation to a road, means a road which does not exceed a plus or minus one percent grade;

"registration certificate" means a certificate issued to the title holder of a motor vehicle in terms of regulation 13(2A)(c), or a certificate issued to a title holder or owner of a motor vehicle in terms of regulation 16;

[Definition of "registration certificate" substituted by Gen N 2116/2001]

"retro-reflector" means a reflector which complies with the standard specification SABS 513 "Retro-reflectors (reflex reflectors)", and which bears a certification mark or an approval mark, but where a reflector is incorporated in a cluster of lamps, the certification or approval mark can be on the cluster instead of the reflector;

"safety glass" means transparent glass or other transparent material so constructed or treated that, when fractured, the possibility of large flying fragments or sharp splinters is minimized;

"school bus" means a minibus or bus, owned by or contracted to, or on behalf of, a school, and used principally for the conveyance of school children and other persons associated with such school;

"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, brakes the wheels of the rear axle or roar axle unit of the 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;

"special permit' means a permit referred to in regulation 84(1)(b);

"speed governor" means any device fitted into a motor vehicle that electronically controls or limit the traveling speed of a motor vehicle;

[Definition of "speed governor" inserted by GN R891/2006]

"steering axle" means an axle, the wheels of which are attached in such a manner that it enables the vehicle concerned to be steered thereby, but excludes-

(a) any axle of a semitrailer or trailer;

(b) the rear axle or axles of any motor vehicle; and

(c) any axle of a motor vehicle which is steered by movement of the front portion of the vehicle relative to the rear portion of the vehicle, or which is steered by movement of its articulated frame,

and the phrase **"steering axle unit"** has the same meaning subject to due alteration where necessary;

"stop lamp" means a device fitted to a vehicle for the purpose of signalling, by means of a light, the intention of the driver of such vehicle to stop or reduce the speed of such vehicle;

"temporary permit' means a permit referred to in regulation 84(1)(a).

"the Act" means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"towing" means towing a vehicle that is not designed or adapted for the purpose of being drawn;

[Definition of "towing" inserted by Gen N 2116/2001]

"traffic island" means a physical island that serves as a channelizing device within a junction or on a public road;

"traffic lane" means a longitudinal division of a public road of sufficient width to accommodate the passage of a single line of vehicles;

"traffic register number" means a number allocated in terms of regulation 335(2);

"traffic register number certificate" means a certificate issued in terms of regulation 335(2);

"traffic signal" means a road traffic sign which, by means of automatic light signals, alternately directs traffic to stop and permits it to proceed;

"training centre" means an approved centre as contemplated in section 3L of the Act;

"turning radius", in relation to a vehicle, means the radius of the circle described by the outer steered wheel of a vehicle when such wheel is deflected as far as possible from the straight, either to the left or to the right, and, where the radii so obtained are not the same, the larger of the two shall be taken as the turning radius of the vehicle, the radius being measured to the outer edge of the track described by such outer steered wheel;

"vintage motor vehicle" means a motor vehicle manufactured before 1965;

"wheelbase" -

(a) in relation to a semi-trailer, means the distance measured at ground level, between parallel planes at right-angles to the longitudinal centre-line of the vehicle passing through the centre-line of its king-pin and the centre-line of its axle or axle unit, as the case may be;

(b) in relation to a trailer with only one axle or one axle unit, other than a semi-trailer, means the distance, measured at ground level, between parallel planes at right angles to the longitudinal centre-line of the vehicle passing through the centre-line of the coupling pin or knuckle and the centre-line of such axle or axle unit as the case may be; and

(c) in relation to any other vehicle, means the distance measured at ground level between parallel planes at right-angles to the longitudinal centre-line of the vehicle passing through the centre-line of the front axle or front axle unit and the centre-line of the rear axle or rear axle unit, as the case may be; and

"wheel massload", in relation to any wheel of a vehicle, means the total mass supported by the contact area between the tyre of such wheel and the road surface.

Part I
Matters relating to registering authorities

1A. Procedure in case of dispute in relation to appropriate registering authority

(1) If a dispute should arise between two or more registering authorities or between a person and a registering authority, as to which registering authority is the appropriate registering authority, such dispute shall be decided by the MEC.

(2) If it is in issue in any civil or criminal proceeding whether an alleged registering authority is the appropriate registering authority the alleged registering authority shall, in the absence of evidence to the contrary, be deemed to be the appropriate registering authority.

Part II
Authorised Officers

1B. Manner of application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer

An application in terms of section 3B of the Act for registration as an inspector of licences, examiner of vehicles, examiner for driving licences or a traffic officer, as the case may be, shall be made to the chief executive officer on form RO as shown in Schedule 2, and shall be accompanied by acceptable identification of the applicant and a certified copy of any document, certificate or diploma relating to the applicant's competence and registration requirements as referred to in section 3D of the Act.

(Reg. 1B not yet in operation)

1C. Manner of registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer

(1) If the chief executive officer is satisfied as contemplated in section 3C of the Act, he or she shall-

(a) in the case of an examiner of vehicles or examiner for driving licences, grade the applicant in terms of regulation 2;

(b) record the particulars of the applicant on the register of authorised officers referred to in regulation 331(4)(a); and

(c) issue to the applicant a certificate of registration on form CR as shown in Schedule 2.

(2) If the chief executive officer is not satisfied as contemplated in section 3C of the Act, he or she shall refuse to register the applicant and notify such applicant accordingly.

(3) Any person whose registration has been cancelled in terms of section 3E of the Act and who applies to be registered, may in addition to the requirements referred to in subregulation (1), be required to have successfully completed a refresher course at a training centre within a period of three months prior to such application.

(Reg. 1C not yet in operation)

2. Grades of examiner of vehicles and examiner for driving licences

(1) The chief executive officer shall grade an examiner of vehicles as-

(a) grade A, 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 and such examiner holds a code EC driving licence for a manual transmission and a code A driving licence; or

(b) grade B, 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 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 and a code A driving licence.

(2) An examiner of vehicles who is graded in terms of subregulation (1)-

(a) as a grade A examiner of vehicles, shall be authorised to inspect, examine and test a motor vehicle of any class; or

(b) as a grade B examiner of vehicles, shall be authorised to inspect, examine and test a motor vehicle of any class, except for a goods vehicle or a bus, the gross vehicle mass of which exceeds 3 500 kilograms.

(3) The chief executive officer shall grade an examiner for driving licences as-

(a) grade A, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for any code of learner's or driving licence and such examiner holds a code EC driving licence for a manual transmission and a code A driving licence;

(b) grade B, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the codes B, CI, C, EB, EC1 and EC, and such examiner holds a code EC driving licence for a manual transmission;

(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 person for a learner's licence of any code and for a driving licence of the codes A1, A and B, and such examiner holds a code EB driving licence for a manual transmission and a code A driving licence;

(d) grade D, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's

licence of any code and for a driving licence of the code B, and such examiner holds a code EB driving licence for a manual transmission;

(dA) grade F, if the examiner for driving licences is qualified to the satisfaction of the chief executive officer to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act; or

(dB) grade G, if the examiner for driving licences is qualified to the satisfaction of the chief executive officer to determine whether a person is disqualified from obtaining or holding a learners or driving licence in terms of regulation 102 and to take an imprint of the left thumb and right thumb of the applicant as referred to in regulation 108(1)(c) and 119(1)(a);

[Para. (dB) inserted by GN R1341/2003]

(e) grade L, if the diploma referred to in section 3D(1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code.

(4) An examiner for driving licences who is graded in terms of subregulation (3)-

(a) as a grade A examiner for driving licences, shall be authorised to examine and test a person for a learner's and driving licence of any code;

(b) as a grade B examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code B, CI, C, EB, EC1 or EC;

(c) as a grade C examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code A1, A or B;

(d) as a grade D examiner for driving licences, shall be authorised to examine and test a person for a learner's licence of any code and for a driving licence of the code B;

(dA) as a grade F examiner for driving licences, shall be authorised to substitute a driving licence of any code contained in an identity document, issued before 1 March 1998, in terms of section 19 of the Act;

(e) as a grade L examiner for driving licences, shall be authorised to examine and test a person for any code of learner's licence;

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

[Para. (f) substituted by GN R1341/2003]

(g) as a grade G examiner for driving licences, shall be authorised to determine whether a person is disqualified from obtaining or holding a learners or driving licence in terms of regulation 102 and to take an imprint of the left thumb and right thumb of the applicant as referred to in regulation 108(1)(c) and 119(1)(a).

[Para. (g) inserted by GN R1341/2003]

(Reg. 2 not yet in operation)

2A. Manner of suspension or cancellation of registration of authorised officer

(1) The inspectorate of driving licence testing centres or inspectorate of testing stations in terms of section 3E(1) of the Act, or the chief executive officer in terms of section 3E(2) of the Act, whatever the case may be, shall, in considering the suspension or cancellation of the registration of an authorised officer-

(a) notify the officer concerned; and

(b) inform the officer concerned that he or she may submit in writing, within 21 days after such notification, any aspect that may be taken into account in considering such suspension or cancellation, to the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be.

(2) If the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be, suspends or cancels the registration of an officer, it, he or she shall-

(a) notify such officer of the reason for the cancellation or suspension, and the period of suspension (if applicable); and

(b) update the register of authorised officers referred to in regulation 331(4)(a) accordingly.

(3) An officer whose registration has been cancelled or suspended, shall within 14 days after being notified of such cancellation or suspension-

(a) submit the certificate of registration referred to in regulation 1C(1) to the chief executive officer, who shall deal with such registration certificate in the manner prescribed in section 3E(5) of the Act; and

(b) submit the certificate of appointment referred to in section 3A(4) of the Act to the authority who appointed him or her.

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

(a) fraudulent actions;

(b) investigation in to fraudulent actions; or

(c) resigns before completion of investigation into fraud and has been found guilty of fraud;

shall not be reregistered at any authority.

[Subreg. (4) inserted by GN R1341/2003]

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

(a) resignation for reasons other that referred to in subregulation (4)(a) - (c);

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

may reregister at any authority after the period as specified by the MEC.

[Subreg. (5) inserted by GN R1341/2003]

(Reg. 2A not yet in operation)

Part III

Requirements for approval of training centres

2B. Requirements for approval of training centres by Shareholders Committee

(1) If a training centre referred to in sections 3D(1)(a) and 3E(1)(c) of the Act wants to be approved in terms of section 3L of the Act, it shall apply for approval on form AFA, as shown in Schedule 2.

(2) On receipt of an application contemplated in subregulation (1), the Shareholders Committee shall direct the chief executive officer or an employee of the Corporation to inspect the training centre to determine whether it meets the requirements set out in subregulation (3), after having given at least one month's written notice to the training centre.

(3) The requirements to be met by a training centre for approval in terms of section 3L of the Act, shall be that-

(a) the curricula for traffic officers, examiners for driving licences and examiners of vehicles published by the chief executive officer by notice in the *Gazette* shall be fully implemented;

(b) the assessment policy published by the chief executive officer by notice in the *Gazette* shall be complied with;

(c) the entry requirements for the course for traffic officers published by the chief executive officer by notice in the *Gazette* shall be complied with;

(d) the general facilities, equipment and services published by the chief executive officer by notice in the *Gazette* shall be available;

(e) the specific requirements in respect of registered courses offered, published by the chief executive officer by notice in the *Gazette*, shall be complied with; and

(f) any training instructor, appointed after one month from the date of coming into force of this regulation, complies with the criteria published by the chief executive officer by notice in the *Gazette*.

(4) If a training centre meets the requirements for approval referred to in subregulation (3), the Shareholders Committee shall communicate such approval to the training centre in writing.

(5) The Shareholders Committee may in exceptional cases, on application by a training centre, grant relaxation of certain requirements referred to in subregulation (3), in which event the Shareholders Committee shall communicate the nature of the relaxation and any conditions attached to it to the training centre in writing.

(6) (a) The Shareholders Committee shall appoint an evaluation committee to evaluate approved training centres annually.

(b) If an evaluation contemplated in paragraph (a) reveals that a training centre does not comply with a requirement set out in subregulation (3) or a condition of its approval, the Shareholders Committee may review the approval with a view to revoke it under section 3L(2) of the Act.

(Reg. 2B not yet in operation)

Part I

Registration and licensing of motor vehicles

3. Motor vehicle to be registered

Subject to the provisions of regulations 4 and 5, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be registered by the title holder thereof, in accordance with the provisions of this Part, with the appropriate registering authority.

4. Motor vehicle deemed to be registered

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

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

(a) during a continuous period of 12 months calculated from the date on which such motor vehicle is brought into the Republic; or

(b) until the registration ceases to be of force and effect in terms of the Convention, whichever event is the earlier, and such vehicle may, notwithstanding anything to the contrary contained in this Part, be operated on a public road while it complies with the provisions of the Convention.

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

(4) If a motor vehicle contemplated in subregulation (1) or (2) is, with effect from a date after its registration and licensing in terms of the law of the prescribed territory concerned or Contracting State, ordinarily kept in a garage or at any other place in the Republic, such vehicle shall with effect from that date no longer be deemed to be registered and licensed in terms of that subregulation.

[Reg. 4 substituted by GN R881/2004]

5. Motor vehicle exempt from registration

(1) A motor vehicle-

(a) propelled by electrical power derived from electrical cabling affixed to the vehicle and that is not used on a public road;

(b) which has crawler tracks;

(c) which is not -

(i) self-propelled;

(ii) a caravan;

implex

(iii) designed principally for the conveyance of persons or goods, or both; and

(iv) operated on a public road;

(d) which by reason of its dimensions or the mass thereof or the mass of a part thereof may not be operated on a public road in terms of the Act, and which is not so operated;

(e) referred to in paragraph (c) and which is drawn by a tractor whether or not it is operated on a public road;

(f) of which the Department of Defence is the title holder and owner;

(g) which is designed exclusively for racing, and includes a micro midget car or cart and a go-cart, and by virtue of its design, does not comply with the provisions of Parts II, II, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;

(h) which is a self-propelled lawnmower and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;

(i) which is designed exclusively to be used on a golf course and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act and for the purpose of this paragraph operate on a public road shall not include the operation of such vehicle within the confines of a golf course;

(j) which is a type of motor cycle on which a person stands, generally known as a motorised skateboard, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act; or

(k) of any particular class or type of vehicle not provided for in Parts II, III, and IV of Chapter VI, which by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such

design may not be operated on a public road in terms of the Act, as determined by notice in the Gazette by the Minister, after consultation with the MECs,

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

[Subreg. (1) amended by Gen N 2116/2001 and GN R1341/2003 and substituted by GN R881/2004]

(2) For the purposes of subregulation (1)(c), the words "operated on a public road" shall not be so construed to include the presence of such motor vehicle on a public road for the purpose of-

(a) being driven to the premises of the owner in order to take delivery thereof;

(b) crossing a public road from the one premises of the owner to another over a distance of not more than one kilometre; or

(c) proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.

(3) If a motor vehicle exempt in terms of subregulation (1)(c) is operated on a public road contrary to the provisions of subregulation (2), the title holder of such motor vehicle shall be liable for the registration thereof on the date referred to in regulation 7(1)(a)(vii).

6. Date on which registration of motor vehicle becomes null and void

(1) The registration of a motor vehicle becomes null and void on the date-

(a) of change of title holder or owner of such motor vehicle, which includes for the purposes of this paragraph every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of "appropriate registering authority" in regulation 1, but if the title holder or owner of a motor vehicle is a partnership and a change of title holder or owner of such motor vehicle occurs by reason of one of the partners dying or ceasing to be a partner of such partnership or a new partner being

admitted thereto, the registering authority concerned may, upon written application by or on behalf of such partnership, determine that no change of title holder or owner shall be deemed to have occurred in respect of such motor vehicle under the Act;

(b) on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 17(3)(c), 54(4)(c) or 55(3)(d);

(c) if the motor vehicle is subject to an instalment sale transaction, or leasing transaction as defined in the Credit Agreements Act, 1980 (Act No. 75 of 1980), 31 days from the date of repossession of the motor vehicle concerned by the title holder (credit grantor): Provided that the registration of a motor vehicle of which the owner fulfills his or her obligation in terms of section 12 of the Credit Agreements Act, 1980 (Act No.75 of 1980), does not become null and void;

(d) on which the motor vehicle is acquired or the estate is wound up, whichever date is the earlier, if the motor vehicle is acquired from the estate of a deceased person;

(e) determined by the MEC concerned in any circumstances not contemplated in this regulation; or

(f) on which the motor vehicle is deregistered in terms of regulation 26A(1).

[Para. (f) added by GN R1341/2003]

(2) The words “change of title holder or owner” excludes for the purposes of this regulation a change-

(a) of name in terms of sections 24 to 26 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), in terms of section 56(1) of the Banks Act, 1990 (Act No. 94 of 1990), in terms of sections 19 to 20 of the Close Corporations Act, 1984 (Act No. 69 of 1984) or in terms of section 44 of the Companies Act, 1973 (Act
No. 61 of 1973);

(b) of address; or

(c) of proxy or representative.

7. Date and conditions on which motor vehicle to be registered

(1) Subject to the provisions of subregulation (2), liability for the registration of a motor vehicle shall arise-

(a) in the case of a motor vehicle to be registered for the first time in the Republic-

(i) if the motor vehicle was manufactured; on the date of completion of manufacture of such motor vehicle;

(ii) if the motor vehicle was built by a builder who is required to register as such under these regulations, on the date of completion of the building of such motor vehicle;

(iii) if the motor vehicle was built up from parts by a builder who is not required to register as such under these regulations, on the date of completion of the building of such motor vehicle;

(iv) if the motor vehicle was imported by an importer, on the date of arrival of such vehicle in the Republic or on the date on which such motor vehicle is cleared in terms of the provisions of the customs and excise legislation, if applicable;

(v) subject to the provisions of regulation 4, if the motor vehicle was acquired outside the Republic, on the date on which such motor vehicle is brought into the Republic or on the date on which such motor vehicle is cleared in terms of the customs and excise legislation, if applicable;

(vi) if it is a motor vehicle which is deemed to be registered in terms of regulation 4, on the date it ceases to be so deemed;

(vii) if it is a motor vehicle which is exempt from registration in terms of regulation 5 and such exemption is withdrawn or is no longer applicable, on the date of such withdrawal or when such exemption no longer applies;

(viii) if it is a motor vehicle that has been forfeited to the State or other authority, the date on which the motor vehicle is so forfeited;

(b) in the case of a motor vehicle which was previously registered in the Republic-

(i) on the date on which the registration of such vehicle becomes null and void, in terms of regulation 6(1)(a), (c) or (d) or, if applicable, regulation 6(1)(e);

(ii) which was stolen and deregistered in terms of regulation 54(4) and is recovered, on the date of release of such motor vehicle by the South African Police Service;

(iii) in the case of a motor vehicle referred to in regulation 6(1)(f), on the date referred to in regulation 23(2),
[Subpara. (iii) added by GN R1341/2003]

(c) in the circumstances not contemplated in the foregoing provisions of this subregulation, on the date determined by the MEC concerned.

(2) Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1)(b) may be operated on a public road for a period of 21 days after the date of liability referred to in this regulation in order to register such vehicle while the licence number allocated thereto and the licence disc issued in respect thereof are displayed in the manner contemplated in regulations 35 and 36 respectively.

(3) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in subregulation (1) shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.

8. Manner of application for registration of motor vehicle

(1) An application for the registration of a motor vehicle, other than a motor vehicle referred to in regulation 15, shall, subject to subregulations (3) and (4), be made by the title holder within 21 days after the date of liability referred to in regulation 7, to the appropriate registering authority on form RLV, or where the title holder is a manufacturer, builder or importer, on form MVR1-MIB as shown in Schedule 2.

[Subreg. (1) amended by GN R1066/2005]

(2) An application referred to in subregulation (1) shall, subject to regulations 9 to 12A, be accompanied by-

(a) the acceptable identification of the title holder of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;

(b) the acceptable identification of the owner of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;

(c) the appropriate registration fees as determined by the MEC of the province concerned, and, if applicable, any penalties and arrear fees as referred to in regulations 57 and 59;

(d) if the motor vehicle is registered, the registration certificate concerned: Provided that the provisions of this paragraph shall not apply to an applicant-

(i) if the motor vehicle concerned has been repossessed and the person who obtained the registration certificate under road traffic laws previously applicable, refuses to hand over the registration certificate to the applicant, and the provisions of regulation 11 have been complied with and such applicant submits a South African Police Service clearance of the motor vehicle;
[Subpara. (i) substituted by GN R1341/2003]

(ii) if the registration certificate is lost and the applicant can prove that a notification of change of title holder or change of owner, indicating that the applicant is the new title holder or owner, was given in terms of regulation 53(3) or (4), and such applicant submits a South African Police Service clearance of the motor vehicle as well as an affidavit explaining the circumstances under which the registration certificate was lost;

(iii) if the title holder cannot be traced and no notice of change of title holder was given as contemplated, in regulation 53(3), and the applicant concerned submits a South African Police Service clearance of the motor vehicle as well as an affidavit explaining the

circumstances under which the registration certificate cannot be submitted;

(e) in the case of a motor vehicle which is being registered for the first time, a duly completed form COO as shown in Schedule 2, or a certificate issued by the manufacturer, builder or importer on the official documentation of such manufacturer, builder or importer, containing-

(i) the chassis number as contemplated in regulation 56(2) expressed in not more than 17 alpha-numerical characters;

(ii) if applicable, the engine number expressed in not more than 20 alpha-numerical characters;

(iii) the make expressed in not more than 30 alpha-numerical characters;

(iv) the model name expressed in not more than 20 alpha-numerical characters and the model-derivative expressed in not more than 20 alpha-numerical characters, neither of which, for the purpose of this subregulation shall include the year of manufacture;

(v) other than in the case of a motor cycle, motor tricycle or motor quadrucycle, the tare in kilograms expressed in not more than five figures;

(vi) if applicable, the engine capacity in cubic centimetres expressed in not more than five figures;

(vii) in the case of a minibus, bus or goods vehicle, the gross vehicle mass in kilograms expressed in not more than six figures;

(viii) if applicable, the nett engine power to the nearest kilowatt expressed in not more than three figures;

(ix) the main colour; and

(x) the model number referred to in regulation 41 (a)(ii) or a letter of authority as contemplated in regulation 43, of the motor vehicle concerned;

[Para. (e) amended by Gen N 2116/2001]

(f) if the tare has changed due to any reason, a mass measuring certificate obtained in the manner prescribed in regulation 66;

(g) in the case of a vehicle to which standard specification SABS 1398 “Road tank vehicles for petroleum based flammable liquids” or standard specification SABS 1518 “Transportation of dangerous goods - design requirements for road tankers” applies, a certificate of compliance with the provisions of such standard specifications, issued by the manufacturer, the manufacturer’s agent duly appointed as such, or an approved authority;
(Date of coming into operation of Para.(g): 3 August 2001)

(h) a South African Police Service clearance of the motor vehicle if required in terms of this Chapter;
[Para. (h) substituted by GN R1341/2003]

(i) certification of roadworthiness in the case of a motor vehicle referred to in regulation 43(3);

(j) if required by the registering authority-

(i) proof of the right to be registered as title holder of the motor vehicle concerned;

(ii) proof of compliance with the provisions of the customs and excise legislation;

(iii) where doubt exists regarding the tare of the motor vehicle concerned, a mass measuring certificate obtained in the manner prescribed in regulation 66; and

(iv) .....
[Subpara. (iv) deleted by GN R1341/2003]

(k) any other documentation required by the MEC concerned.
[Para. (k) added by GN R1341/2003]

(3) If liability for the registration of a motor vehicle arises due to the sale of such motor vehicle by a motor dealer to a bank, as defined in the Banks Act, 1990

(Act No. 94 of 1990), so that such bank may sell or lease such motor vehicle to a client of it and if the appropriate registering authority of the title holder of such motor vehicle, is the same authority as that of such motor dealer, the motor dealer concerned shall submit the application referred to in subregulation (1) to the appropriate registering authority and shall complete and sign such application on behalf of the bank if so authorised by way of a letter of authorisation.

(4) If the title holder of the motor vehicle concerned does not permanently reside or carry on business in the Republic, the owner of such motor vehicle shall submit the application for registration of such motor vehicle to the appropriate registering authority.

(5) A manufacturer, builder or importer, as the case may be, shall, when disposing of a motor vehicle manufactured, built, modified or imported by him or her, furnish the new title holder of such motor vehicle with the certificate referred to in subregulation (2)(e) or the registration certificate referred to in regulation 16.

9. Additional requirements for registration of motor vehicle built up from parts

An application for the registration of a motor vehicle built up from parts by a builder who is not required to register as such under these regulations shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by-

(a) an affidavit on form SOA as shown in Schedule 2, stating the parts used, the person from whom such parts were acquired and, attached to such form, the receipts of the purchase or donation of such parts;

(b) if such motor vehicle has been built up from a motor vehicle which has become permanently unfit for use as a motor vehicle and has been deregistered in terms of regulation 55(3), the deregistration certificate in respect of such motor vehicle, or an affidavit containing evidence of the fact that the motor vehicle was previously permanently unfit for use; and

(c) a South African Police Service clearance of the motor vehicle.

9A. Additional requirements for registration of deregistered motor vehicles

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

(a) the deregistration certificate issued in respect of such vehicle: Provided that the provisions of this paragraph shall not apply to an applicant if the deregistration certificate is lost, destroyed or stolen and the applicant can prove that he/she is the title holder, and such applicant submits an affidavit explaining the circumstances under which the deregistration certificate was lost, destroyed or stolen;

(b) a mass measuring certificate obtained in the manner prescribed in regulation 66; and

(c) a South African Police Service clearance of the motor vehicle.

[Reg. 9A substituted by GN R1341/2003]

9B. Additional requirements for registration of motor vehicle deregistered due to not being licensed

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

(a) the registration certificate issued in respect of such vehicle: Provided that the provisions of this paragraph shall not apply to an applicant if the registration certificate is lost, destroyed or stolen and the applicant can prove that he/she is the title holder, and such applicant submits an affidavit explaining the circumstances under which the registration certificate was lost, destroyed or stolen;

[Para. (a) amended by GN R881/2004]

(b) a mass measuring certificate obtained in the manner prescribed in regulation 66; and

(c) a South African Police Service clearance of the motor vehicle.

[Reg. 9B inserted by GN R1341/2003]

10. Additional requirements for registration of motor vehicle acquired from estate of deceased person

An application for the registration of a motor vehicle which has been acquired from the estate of a deceased person referred to in regulation 6(1)(d) shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by a document substantiating the circumstances under which such motor vehicle was acquired.

11. Additional requirements for registration of repossessed motor vehicle

An application for the registration of a motor vehicle which has been repossessed by the title holder referred to in regulation 6(1)(c) shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by a certified copy of-

(a) the court order; or

(b) the voluntary surrender documentation: Provided that an affidavit made by the title holder of that motor vehicle stating the circumstances under which the vehicle was repossessed may be submitted in the case where the voluntary surrender documentation cannot be obtained,

as proof of the right of the title holder to repossess such motor vehicle.

12. Additional requirements for registration of motor vehicle acquired outside borders of Republic

An application for the registration of a motor vehicle acquired outside the borders of the Republic referred to in regulation 7(1)(a)(iv) or (v), shall, in addition to the requirements and documents referred to in regulation 8, be accompanied by-

(a) written proof of compliance with the provisions of customs and excise legislation;

(b) if such motor vehicle is registered outside the Republic, the documents relating to the registration and licensing of the motor vehicle concerned issued in the country where such motor vehicle is registered;

[Para. (b) amended by Gen N 2116/2001]

(c) a South African Police Service clearance of the motor vehicle; and

[Para. (c) amended by Gen N 2116/2001]

(d) a letter of authority referred to in regulation 43(1)(b).

[Para. (d) added by Gen N 2116/2001]

12A. Additional requirements for registration of motor vehicle previously derigistered as stolen

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

(a) the deregistration certificate issued in terms of regulation 54(4) in respect of such motor vehicle, or an affidavit containing evidence of the fact that the motor vehicle was previously reported as stolen;

(b) a South African Police Service clearance of the motor vehicle; and

(c) duly completed form CCL as shown in Schedule 2.

[Reg. 12A substituted by GN R881/2004]

13. Manner of registration of motor vehicle

(1) On receipt of the application for registration the registering authority may, and if the applicant so requires shall, issue an assessment showing the penalties and fees referred to in regulation 8(2)(c), for the registration of the motor vehicle concerned.

(2A) The registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order, in the event that the register of motor vehicles can be accessed immediately-

(a) register the motor vehicle concerned;

(b) record in the register of motor vehicles the particulars in relation to the-

(aa) motor vehicle concerned; and

(bb) title holder and owner of such motor vehicle; and

(c) issue a registration certificate on form RC1 as shown in Schedule 2 to the title holder, who shall be responsible for its safe-keeping; or

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

(a) issue a manual certificate on form RC1-M as shown in Schedule 2 free of charge to confirm to the title holder that the documentation is in order and that a registration certificate will be issued to him or her as soon as the register of motor vehicles can be updated; and

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

[Subreg. (2B) amended by GN R1341/2003]
[Subreg. (2A) and (2B) substituted for subreg. (2) by Gen N 2116/2001]

(3) The title holder shall upon registration of the motor vehicle concerned, forthwith notify the owner of such registration.

(4) A motor vehicle shall be recorded as "built-up" in the register of motor vehicles if-

(a) it is being registered for the first time and it has been manufactured, built, modified or imported by a manufacturer, builder or importer-

(i) which has not been registered as such;

(ii) which is not required to be registered as such; or

(iii) has been registered as such in terms of regulation 40(2) subject to the condition or conditions referred to in regulation 41 (b)(ii) or (iii),

and in respect of which no certification of roadworthiness referred to in regulation 141(2) was issued;

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

[Para. (b) substituted by GN R1341/2003]

(c) the motor vehicle was previously registered as “built-up”.

(5) A motor vehicle shall be recorded as “used” in the register of motor vehicles if such vehicle was deregistered in terms of regulation 54(4) and was recorded as “new” or “used” prior to such deregistration, or if such vehicle was exempt from registration in terms of regulation 5 and such exemption was withdrawn or no longer applies.

(6) A motor vehicle shall be recorded as “allowed to convey dangerous goods” in the register of motor vehicles if standard specification SABS 1398 “Road tank vehicles for petroleum based flammable liquids” or standard specification SABS 1518 “Transportation of dangerous goods - design requirements for road tankers” applies to such vehicle.

(Date of coming into operation of subreg. (6): 3 August 2001)

(7) A chassis or a cab and chassis shall be recorded as “under construction” in the register of motor vehicles.

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.

[Reg. 13A inserted by GN R1341/2003]

14. Application by and appointment of manufacturer or importer as agent of registering authority

(1) A registered manufacturer or registered importer may for the purposes of section 5(5) of the Act apply to the registering authority in whose area of jurisdiction such manufacturer or importer is engaged in the business of selling motor vehicles, to be appointed an agent of such registering authority with the powers, functions and duties contemplated in regulation 15.

(2) The said registering authority shall if requested by the MEC, forward the application to the MEC for evaluation.

[Subreg. (2) substituted by GN R1341/2003]

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

[Subreg. (3) added by GN R1341/2003]

15. Introduction of motor vehicles by manufacturer or importer appointed as agent

(1) A manufacturer or importer who is an agent of a registering authority, shall, within 7 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 purposes of section 5(5) of the Act.

(2) The said manufacturer or importer shall, in respect of every motor vehicle manufactured or imported by him or her, record in the register of motor vehicles-

(a) any change of title holder or owner;

(b) any change of the particulars in relation to the motor vehicle; and

(c) if the motor vehicle was exported, stolen, or de-registered,

until that manufacturer or importer records on the register of motor vehicles that the motor vehicle concerned was released for sale, or until a registering authority records a change of title holder or owner on the register of motor vehicles in terms of regulation 13, or until such registering authority issues a registration certificate with respect to the vehicle concerned in terms of regulation 16, whichever event is the earlier.

[Subreg. (2) substituted by Gen N 2116/2001]

(3) The said manufacturer or importer shall not be liable for payment of the registration fees referred to in regulation 8(2)(c) in respect of motor vehicles introduced by such manufacturer or importer in the manner contemplated in subregulation (1).

16. Application for registration certificate in respect of motor vehicle introduced by manufacturer or importer

(1) The title holder or owner of a motor vehicle referred to in regulation 15(1), may prior to the registration of such motor vehicle, apply on form ACV as shown in Schedule 2 to his or her appropriate registering authority for the registration certificate in respect of that motor vehicle.

[Subreg. (1) amended by GN R1066/2005]

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

(a) the acceptable identification of the title holder or owner of the motor vehicle, whatever the case may be, and in the case of 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) the certificate from the manufacturer, builder or importer of such motor vehicle referred to in regulation 8(2)(e);

(d) any other document required by the MEC concerned.

(3) On receipt of the said application, the registering authority shall, if satisfied that the application is in order, issue the registration certificate to the title holder or owner, whatever the case may be, on form RC1 as shown in Schedule 2.

17. Deregistration of registered motor vehicle which becomes exempt from registration

(1) If a registered motor vehicle becomes exempt from registration in terms of regulation 5, the title holder of such motor vehicle shall apply for the deregistration of such motor vehicle on form ADV, as shown in Schedule 2, to the appropriate registering authority.

[Subreg. (1) amended by GN R1066/2005]

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

(a) the acceptable identification of the title holder and, if the title holder is a body of persons, that of its proxy and representative and a letter of proxy; and

(b) the registration certificate of the motor vehicle concerned.

(3) On receipt of the application referred to in subregulation (1), the registering authority shall -

(a) satisfy itself that the application is in order;

(b) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles, and

(c) issue a deregistration certificate on form VDC as shown in Schedule 2, to the title holder of the motor vehicle concerned.

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

[Subreg. (4) added by GN R1341/2003]

18. Motor vehicle to be licensed

Subject to the provisions of regulations 19 and 20, every motor vehicle in the Republic shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of this Part, with the appropriate registering authority.

19. Motor vehicle deemed to be licensed

(1) A motor vehicle which is deemed to be registered in terms of regulation 4 shall be deemed to be licensed in terms of this Part.

(2) A motor vehicle owned by a motor dealer for the purposes of sale or exchange in the course of his or her business as a motor dealer and if such motor vehicle is not operated on a public road, except under a motor trade number, shall be deemed to be licensed in terms of this Part.

(3) A motor vehicle which is in a manufacturer's or importer's possession for the purpose of selling or exchanging it in the course of his or her business of selling motor vehicles, which motor vehicle-

(a) is introduced in the manner contemplated in regulation 15(1) by such manufacturer or importer; and

(b) is not operated on a public road, except under a motor trade number,

shall be deemed to be licensed in terms of this Part.

(3A) A previously stolen motor vehicle that was recovered by the South African Police Service, of which the original title holder or owner cannot be traced, and which is owned by the South African Police Service for the purpose of selling it, is deemed to be licensed in terms of this Part if it is not operated on a public road, except under a motor trade number.

[Subreg. (3A) inserted by Gen N 2116/2001]

(4) A motor vehicle referred to in subregulation (1), shall no longer be deemed to be licensed, with effect from the date referred to in regulation 4(3), and the owner of such motor vehicle shall be liable to licence such motor vehicle in terms of this Part.

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.

21. Special classification of motor vehicle in relation to motor vehicle licence fees

(1) The owner of a motor vehicle, other than a breakdown vehicle-

(a) which is a trailer drawn by a tractor and not operated on a public road

(b) which is a tractor and not operated on a public road;

(c) which was, in the opinion of the MEC, reconstructed solely for use within the confines of private property, and is so used;

(d) which-

implex

(i) has been adapted, rebuilt or changed to be used solely for racing purposes as a stock-car, racing car or racing cycle;

(ii) has been certified by the secretary of the racing club of which the owner of the motor vehicle is a member, as being solely used for racing purposes;

(iii) has been registered for the purpose of racing; and

(iv) is not operated on a public road;

(e) which, in the opinion of the MEC, is 40 years or older of age, and which is used solely -

(i) in any race or sport referred to in regulation 317;

(ii) in an event organised by a properly constituted motor club; or

(iii) for exhibition purposes;

(f) which is a fire-fighting vehicle;

[Para. (f) amended by GN R881/2004]

(g) which may only be operated on a public road under an exemption in terms of the Act, may apply to the MEC concerned for special classification of the vehicle concerned with respect to motor vehicle license fees by, at his or her appropriate registering authority, making a declaration on form ELF1 to the effect that the vehicle is as contemplated in paragraphs (a), (b), (c), (d), (e), (f) or (g) accompanied by-

(i) the acceptable identification of the owner; and

(ii) additional information or documents required by the MEC concerned, if any; or

[Para. (g) amended by GN R881/2004]

(h) which is not a tractor or a caravan and which has not been adapted or originally designed for the conveyance of persons, excluding the driver, or of goods, or both.

[Para. (h) added by GN R881/2004]

(2) (a) The MEC shall consider the application and notify the applicant and registering authority concerned accordingly.

(b) If the application is granted, the registering authority shall issue a certificate of special classification on form ELF3 to the owner and record the particulars of the special classification on the register of motor vehicles.

(3) The owner shall submit the certificate of special classification upon licensing of the vehicle concerned.

(4) For the purposes of this regulation, the words "operated on a public road" shall not be construed to include the presence of such motor vehicle on a public road for the purpose of-

(a) being driven to the premises of the owner in order for the owner to take delivery thereof;

(b) crossing a public road from the premises of the owner to another over a distance of not more than one kilometre; or

(c) proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.

(5) …….

[Subreg. (5) deleted by GN R881/2004]

(6) (a) The owner of a motor vehicle, other than a motor vehicle conveying persons or goods for reward, who-

(i) receives a pension in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976);

(ii) suffers from a pensionable disability which has been determined at not less than 50 per cent in terms of that Act; and

(iii) by reason of such disability requires the use of such motor vehicle to enable him or her to earn his or her livelihood, may apply to the MEC on form ELF1 as shown in Schedule 2, to specially classify such motor vehicle, in relation to the payment of motor vehicle licence fees, and such application shall be accompanied by-

(aa) the acceptable identification of the owner; and

(bb) any additional information or documents as may be required by the MEC concerned.

(b) On receipt of the application referred to in paragraph (a), the MEC concerned shall-

(i) consider such application;

(ii) notify the applicant concerned and the appropriate registering authority accordingly; and

(iii) if the application is granted,

(aa) issue a certificate of classification on form ELF 3 as shown in Schedule 2; and

(bb) record such classification on the register of motor vehicles.

(c) On receipt of the certificate of special classification referred to in paragraph (b)(iii)(aa), the owner shall submit such certificate to the appropriate registering authority when applying for the licensing of the motor vehicle in terms of regulation 24 or 30.

(d) This subregulation shall only apply for a period of 12 months from the date of commencement of this regulation, after which date any certificate issued under it, shall be invalid.

(7) (a) The MEC may at any time cancel a certificate of special classification issued in terms

of this regulation and notify the owner and registering authority concerned accordingly.

(b) The registering authority shall update the register of motor vehicles upon receipt of a notification contemplated in paragraph (a).

(8) If a motor vehicle which has been specially classified under this regulation is operated on a public road contrary to the conditions of its classification, such motor vehicle shall no longer be so specially classified and the owner of such motor vehicle shall be liable for the licensing thereof with effect from the date upon which it is so operated.

(9) A special fee as determined by the MEC of the province concerned shall be payable upon issuance of a motor vehicle licence in respect to a motor vehicle that was specially classified under this regulation.

[Reg. 21 substituted by Gen N 2116/2001 w.e.f. 1/1/2002]

22. Date on which motor vehicle licence and licence disc of a motor vehicle becomes null and void

(1) The motor vehicle licence and licence disc of a motor vehicle shall become null and void on the date-

(a) referred to in regulation 25(5) or 31(1);

(b) on which a new licence number is allocated as referred to in regulation 29;

(c) on which a personalised licence number is allocated under regulation 28(5);

(d) of issue of an acknowledgement of receipt in terms of regulation 54(4)(d) or 55(3)(c) in respect of the motor vehicle concerned;

(e) of deregistration in terms of this Chapter;

(f) of change of owner of such motor vehicle, which includes for the purposes of this paragraph every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of "appropriate registering authority" in regulation 1, but if the owner of a motor vehicle is a partnership and a change of owner of such motor vehicle occurs by reason of one of the partners dying or ceasing to be a partner of such partnership or a new partner being admitted thereto, the registering authority concerned may, upon written application by or on behalf of such

partnership, determine that no change of owner shall be deemed to have occurred in respect of such motor vehicle;

(g) on which the motor vehicle is acquired or the estate is wound up, whichever date is the earlier, if the motor vehicle concerned is acquired from the estate of a deceased person;

(h) if the motor vehicle is subject to an instalment sale transaction or leasing transaction as defined in the Credit Agreements Act, 1980 (Act No.75 of 1980), 31 days from the date of repossession of the motor vehicle concerned by the title holder (credit grantor): Provided that the motor vehicle licence and licence disc of a motor vehicle of which the owner fulfills his or her obligation in terms of section 12 of the said Act, does not become null and void;

(i) determined by the MEC concerned in any circumstances not contemplated in this regulation; or

(j) the operator card in respect of such motor vehicle expires or is no longer applicable to such motor vehicle.

(2) The words “change of owner” excludes for the purposes of this regulation a change-

(a) of name in terms of sections 24 to 26 of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), in terms of section 56(1) of the Banks Act, 1990 (Act No. 94 of 1990), in terms of sections 19 to 20 of the Close Corporations Act, 1984 (Act No. 69 of 1984) or in terms of section 44 of the Companies Act, 1973 (Act No. 61 of 1973);

(b) of address; or

(c) of proxy or representative.

23. Date on which motor vehicle to be licensed

(1) Subject to the provisions of subregulation (3), liability for the licensing of a motor vehicle shall arise on the date -

(a) on which liability for the registration of such motor vehicle arises in terms of regulation 7;

(b) on which a new licence number is allocated as referred to in regulation 29;

(c) on which a personalised licence number is allocated under regulation 28(5);

(d) referred to in regulation 31(1);

(e) of expiry of the licence of such motor vehicle in terms of regulation 26;

(f) of release by the South African Police Service, if it is a motor vehicle which has been stolen and has not been deregistered in terms of regulation 54(4), and has been recovered;

(fA) of release by the South African Police Service of an impounded vehicle referred to in regulation 55A, if that vehicle is released after the date of expiry of the licence of that vehicle;

[Para. (fA) inserted by Gen N 2116/2001]

(g) a new operator card is required for such motor vehicle in terms of regulations 267 or 270;

(h) determined by the MEC concerned in any circumstances not contemplated in the foregoing provisions.

(2) The date of liability referred to in subregulation (1)(e) shall be construed to arise on the first day of the month following the date of expiry of the existing licence.

(3) Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date referred to in that subregulation, be operated on a public road while the licence number allocated to such motor vehicle and the licence disc issued in respect of such motor vehicle prior to the date on which the motor vehicle licence and licence disc became null and void, are displayed in the manner contemplated in regulations 35 and 36.

(4) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in

subregulation (1), shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.

24. Manner of application for licensing of motor vehicle

(1) An application for the licensing of a motor vehicle, shall be made by the owner of such motor vehicle, within 21 days after the date of liability referred to in regulation 23, on form RLV or ALV as shown in Schedule 2, to the appropriate registering authority but the owner may licence his or her motor vehicle on any date prior to the date of liability referred to in regulation 23 for a further period of 12 months and the provisions of subregulation (3) are applicable to such transaction.

[Subreg. (1) amended by GN R1066/2005]

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

(a) acceptable identification of the owner of the motor vehicle and, if the owner is a body of persons, acceptable identification of its proxy and representative and a letter of proxy;

(b) the appropriate motor vehicle licence fees as determined by the MEC of the province concerned;

(c) if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59;

(d) if required in terms of regulation 138(1), a certification of roadworthiness issued under regulation 141(2);

(e) if applicable, a certificate of classification or a declaration in respect of the motor vehicle in relation to motor vehicle licence fees, as contemplated in regulation 21(2) and (6);

[Para. (e) amended by Gen N 2116/2001 w.e.f. 1/1/2002]

(f) if the motor vehicle concerned is owned, by the South African Police Service, a licence number referred to in regulation 27(5)(b) allocated by the South African Police Service;

(g) if applicable, the motor vehicle licence; and

(h) if applicable, a South African Police Service clearance of the motor vehicle as contemplated in regulations 31(2) and 54(6).

(3) If an application is made in terms of subregulation (1) and the owner of the motor vehicle submits a motor vehicle licence of which the period of validity has not yet expired, the fees payable for the licence so applied for, shall be reduced by one twelfth per month or part thereof for every month such licence is still valid: Provided that the motor vehicle licence fees payable for the licence in respect of a motor vehicle referred to in regulations 17, 54(1)(c) and 55(1)(b), shall not be so reduced.

25. Manner of licensing of motor vehicle

(1) On receipt of the application for licensing of a motor vehicle, the registering authority may, and if the applicant so requires, shall issue an assessment showing the appropriate motor vehicle licence fees as determined by the MEC of the province concerned and the arrear fees and penalties referred to in regulations 57 and 59, for the licensing of the motor vehicle concerned.

(2) The registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order-

(a) licence the motor vehicle concerned;

(b) allocate a licence number to the motor vehicle concerned, if applicable;

(c) update the particulars pertaining to such motor vehicle in the register of motor vehicles;

(d) issue a motor vehicle licence on form MVL1, MVL1-M, MVL1-RW, MVLX, LCO or LCTO as shown in Schedule 2 to the owner of such motor vehicle;

[Para. (d) amended by GN R1066/2005]

(e) subject to the provisions of subregulation (5), issue a licence disc on form MVL1, MVL1-M, MVL1-RW, MVLX, LCO or LCTO as shown in Schedule 2, which serves as proof that the motor vehicle is licensed; and

[Para. (e) amended by GN R1066/2005]

(f) …….

[Para. (f) deleted by GN R1066/2005]

(3) (a) If a licence number referred to in subregulation (2)(b) has been erroneously allocated to a motor vehicle, the registering authority concerned shall request the owner of such motor vehicle in writing to deliver to it within a period of 21 days after the date of such request, all documents pertaining to the licensing of such vehicle.

(b) On the expiry of the period referred to in paragraph (a), the licensing, as well as all documents mentioned in that paragraph shall become null and void.

(c) On receipt of the documents referred to in paragraph (a), the registering authority shall issue a licence as from the date on which the original application was made for the vehicle concerned, on which the newly allocated licence number shall appear.

(4) The licence disc referred to in subregulation (2)(e) shall be completed in black non-fading ink.

(5) If a certification of roadworthiness is required in terms of regulation 138 and the application referred to in regulation 24 is not accompanied by a certification of roadworthiness issued under regulation 141(2), the registering authority shall not issue a licence disc, until the owner of such motor vehicle submits such certification of roadworthiness: Provided that if such certification of roadworthiness is submitted after the month in which such motor vehicle is licensed, the licence of such motor vehicle shall become null and void on the day such certification of roadworthiness is submitted and on such date the owner shall become liable for the licensing of such vehicle.

(6) When the owner of the motor vehicle referred to in subregulation (5) obtains a certification of roadworthiness, he or she shall-

(a) submit such certification to the appropriate registering authority; and

(b) apply on form RLV or ALV as shown in Schedule 2, for a licence disc in respect of the motor vehicle concerned.

[Para. (b) amended by GN R1066/2005]

(7) The registering authority may refuse to issue a licence disc in respect of a motor vehicle -

(a) which may not be operated on a public road as referred to in regulation 21(1)(a), (b), (c), (d) and (g);

(b) the owner of which owes any penalties or fees in terms of the provisions of this Act;

(c) the owner of which is also the owner of another motor vehicle the licence of which has expired more than 23 days ago;

(d) in respect of which a South African Police Service clearance has to be submitted;

(e) if a warrant of arrest in respect of an offence in terms of this Act has been issued in respect of the owner of such motor vehicle;

(f) the operator card of which has been suspended; or

(g) the owner of which has not been identified by means of acceptable identification as referred to in regulation 1.

[Subreg. (7) added by GN R1341/2003]

(8) When a motor vehicle referred to in subregulation (6) does not comply with the conditions referred to in subregulation (6) anymore, the owner of the motor vehicle shall apply on form ALV or RLV as shown in Schedule 2, for the licensing of the motor vehicle concerned.

[Subreg. (8) added by GN R1341/2003]

25A. Electronic motor vehicle licensing

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

(2) Upon the licensing of a motor vehicle in the manner contemplated in subregulation (1), the owner shall pay-

(a) the appropriate motor vehicle licence fees as determined by the MEC of the Province concerned; and

(b) if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59.

(3) On receipt of the licence information from the Bank concerned, the motor vehicle as referred to in subregulation (1), the Department shall licence the motor vehicle in the manner contemplated in regulation 25.

[Reg. 25A inserted by GN R881/2004]

26. Period of validity of motor vehicle licence and licence disc

(1) Subject to subregulation (2), a motor vehicle licence and licence disc shall be valid for a period of 12 months from the first day of the month in which such licence and licence disc were issued and the date of expiry of such licence shall be shown on the motor vehicle licence and licence disc.

(2) In the case where the owner applies for a licence as contemplated in regulation 30(2) before the expiry date of such licence and licence disc, the period of validity of the new licence and licence disc so applied for shall be calculated from the first day of the month which follows on the expiry date of the current licence and licence disc.

26A. Consequences of failure to licence motor vehicle

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

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

(3) The deregistration of the motor vehicle in terms of subregulation (1), shall not exempt the owner of the motor vehicle concerned from the liability to license such motor vehicle in terms of regulation 18 or from the payment of the penalties and arrear licence fees in terms of regulations 57 and 59.

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

[Reg. 26A inserted by GN R1341/2003]

27. Licence mark and licence number system

(1) The MEC of each province shall, subject to subregulation (2), by notice in the *Provincial Gazette*, determine a licence mark for the province concerned.

(2) (a) The MEC of a province shall by notice in the *Provincial Gazette*-

(i) allocate a licence mark to every registering authority in the province concerned, which licence mark shall consist of a combination of letters; or

(ii) establish a licence number system for the province concerned which licence number system shall consist of three letters, three figures, and the licence mark of the province concerned, referred to in subregulation (1):

Provided that vowels and the letter "Q" shall not be used and the first letter shall not be the letter "G".

(b) The MEC concerned may, subject to regulation 35, by notice in the *Provincial Gazette* determine a logo or landscape, a letter type, a colour for the letters and figures, and the colour of the retro-reflective surface to be displayed on a number plate, denoting the province concerned.

(bA) The MEC for the Free State Province may, notwithstanding the provisions of regulation 35, determine, in the *Provincial Gazette*, the type of number plate to be used to display a licence number of a motor vehicle licenced in the Free State Province.

[Para. (bA) inserted by GN R779/2002]

(3) Every motor vehicle licensed in a province shall be allocated with a licence number and such licence number shall, subject to subregulation (5) and regulation 28, consist of the licence mark referred to in subregulation (2)(a)(i)

and figures, or the letters and figures allocated from the licence number system referred to in subregulation (2)(a)(ii).

(4) The MEC may, by way of notice in the *Provincial Gazette*, allocate a new licence mark to any registering authority or establish a new licence number system for the province concerned.

(5) The licence number of a motor vehicle-

(a) the owner of which is a department of State, may consist of-

(i) the licence number allocated to the vehicle upon licensing thereof;

(ii) the letter G followed by two letters, three figures, and the letter G; or

(iii) any other licence number determined by the chief executive officer by notice in the *Gazette*;

(b) the owner of which is the South African Police Service, may consist of three letters, three figures, followed by the letter B;

(c) set aside for use by the King of the Zulu Nation, shall consist of the letters ZK followed by figures.

(d) the owner of which is-

(i) a foreign government, diplomat representing a foreign government, an international or intergovernmental organisation;

(ii) a member of staff or suite of such government or organisation; or

(iii) any other person or class of person determined by the Minister of Foreign Affairs, shall consist of such letters and figures as are determined by the Director-General: Department of Foreign Affairs but shall end in the letter “D”.

28. Personalised licence number system

(1) The MEC may by notice in the *Provincial Gazette* establish a personalised licence number system for the province concerned.

(2) The provisions of the Act which are applicable to licence numbers shall *mutatis mutandis* be applicable to personalised licence numbers.

(3) Personalised licence numbers shall, notwithstanding anything to the contrary contained in these regulations be issued to a person upon application and subject to such conditions and upon payment of such fees or charges as are determined by the MEC of the province concerned.

(4) The MEC concerned may, subject to regulation 35, by notice in the *Provincial Gazette* determine a logo or landscape, a letter type, a colour for the letters and figures, and the colour of the retro-reflective surface to be displayed on a number plate denoting the personalised licence numbers of the province concerned.

(4A) Notwithstanding the provisions of regulation 35, the MEC for the Free State Province may by notice in the *Provincial Gazette* determine the type of number plate to be used to display a personalized number of a motor vehicle licenced in the Free State Province.

[Subreg. (4A) inserted by GN R779/2002]

(5) The person referred to in subregulation (3) may apply to the appropriate registering authority for the allocation of the personalised licence number issued under subregulation (3), to a motor vehicle of which he or she is the owner.

28A. Cancellation of personalised licence number

(1) Whenever the holder of a personalised licence number has, in the opinion of the MEC concerned, contravened a condition referred to in regulation 28(3), such MEC may cancel such number.

(2) If a personalised licence number referred to in subregulation (1) has been cancelled, the holder of such number shall forthwith surrender the personalised licence number plates and the documentation required by the MEC concerned, to that MEC.

(3) If the holder of a personalised licence number no longer requires such number, such holder shall forthwith apply to the MEC concerned for the cancellation of such personalised licence number and such application shall be accompanied by

the personalised licence number plates and the documentation required by the MEC concerned.

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

(a) shall cancel the personalised licence number;

(b) may deface or destroy the documentation and personalised licence number plates; and

(c) shall update the particulars pertaining to the personalised licence number in the register of motor vehicles.

[Reg. 28A inserted by Gen N 2116/2001]

29. MEC may change allocated licence number

(1) The MEC concerned may, upon the conditions he or she determines change the licence number allocated to a motor vehicle.

(2) The MEC concerned may, subject to such conditions as he or she may determine, on application and upon payment of such fees or charges as he or she may determine, change the licence number allocated to a motor vehicle.

30. Motor vehicle licence assessment

(1) (a) If the MEC concerned deems it expedient, he or she may forward a motor vehicle licence assessment to the residential or postal address of the owner of the motor vehicle, on form MVL2 as shown in Schedule 2, for the licensing of such motor vehicle.

(b) In the event that the MEC deems it expedient to forward a motor vehicle licence assessment and such assessment is not received by the owner of the vehicle, that owner shall in any event be liable for the timeous licensing of the motor vehicle concerned.

(2) The owner may submit the assessment referred to in subregulation (1) to the appropriate registering authority, and such submission shall serve as an application for the licensing of the motor vehicle concerned.

(3) The application referred to in subregulation (2) shall be accompanied by -

(a) the appropriate motor vehicle licence fees as determined by the MEC of the province concerned;

(b) if applicable, the penalties and arrear licence fees referred to in regulations 57 and 59; and

(c) if required in terms of regulation 138(1), certification of roadworthiness.

(4) If the owner did not receive the motor vehicle licence assessment referred to in subregulation (1), such owner shall apply for the licensing of the motor vehicle in the manner referred to in regulation 24.

(5) On receipt of an application referred to in subregulation (2), the registering authority shall licence the motor vehicle in the manner contemplated in regulation 25(2).

(6) If a motor vehicle is required to be licensed in terms of this Part, and an application for such licence is not received, the registering authority may, within three months from the date of liability for licensing of the motor vehicle, referred to in regulation 23, forward a notice of the failure to apply for the licensing of such motor vehicle, on form NL or NRL as shown in Schedule 2, to the owner of such motor vehicle and a copy thereof to the title holder of such motor vehicle, and such notice may again be forwarded within six months after the first notice.

[Subreg (6) amended by GN R1066/2005]

31. Additional requirements for application for licensing in the case of alteration or reconstruction of registered motor vehicle

(1) When a motor vehicle is altered or reconstructed in such a manner and to such an extent that the motor vehicle licence or licence disc issued in respect of such motor vehicle no longer correctly describes such vehicle, such licence and licence disc shall become null and void on the date of the completion of such alteration or reconstruction and liability for the licensing of such motor vehicle shall arise on that date.

(2) An application for the licensing of a motor vehicle referred to in subregulation (1), shall be made in terms of regulation 24, and in addition to the requirements and documents referred to in that regulation, be accompanied by-

(a) certification of roadworthiness;

(b) a mass measuring certificate obtained in the manner referred to in regulation 66;

(c) if required by the MEC concerned, a South African Police Service Clearance of the motor vehicle concerned.

(3) The registering authority shall notify the title holder of a motor vehicle of any reconstruction or alteration of such motor vehicle on form ARN as shown in Schedule 2.

32. Procedure on change of appropriate registering authority due to owner moving

If the address of the owner of a motor vehicle changes and the registering authority at whose office such motor vehicle is licensed, is no longer the appropriate registering authority due to such change, such owner shall be liable to apply for the licensing of such motor vehicle in the manner referred to in regulation 24 to the new appropriate registering authority on the date of expiry of the licence of such motor vehicle as contemplated in regulation 26.

33. Procedure on re-defining of area of registering authority

If a registering authority becomes the new registering authority of an area previously under the jurisdiction of another registering authority, every owner of a licensed motor vehicle for whom such new registering authority becomes the appropriate registering authority, shall, if such motor vehicle is not licensed with such new registering authority, be liable to apply to the new registering authority for the licensing of such motor vehicle in the manner referred to in regulation 24, and on the date referred to in regulation 23(1)(e).

34. Procedure on change of licence mark of registering authority or licence number system of province

(1) If the MEC of a province allocates a new licence mark to a registering authority or establishes a licence number system for a province, in terms of regulation 27(4), the owner of a motor vehicle licensed at such registering authority shall be liable to apply in the manner referred to in regulation 24 for the licensing of such

motor vehicle to such registering authority on the date referred to in regulation 23(1)(e).

(2) The MEC concerned may by notice in the Provincial Gazette extend the date referred to in subregulation (1).

35. Display of licence number

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

[Subreg. (1) substituted by GN R1341/2003]

(2) The number plate referred to in subregulation (1)-

(a) shall bear a certification mark as shown in the standard specifications referred to in subregulation (1);

(b) shall have a yellow or white retro-reflective surface;

(c) shall have black, dark blue, dark red, dark brown or dark green letters and figures, but shall display only black letters and figures in the case of a yellow retro-reflective surface;

(d) may display a logo or landscape if it appears on a white retro-reflective surface; and

(e) shall be clearly legible and visible.

(3) The letters and figures on a number plate shall be arranged-

(a) with all the letters and figures in one line; or

(b) with the letters preceding the figures in one line and immediately thereunder, the figures and, if applicable, the last letter in one line;

(c) with all the letters and figures and the logo or landscape in one line; or

(d) with the letters or the figures and the logo or landscape in one line, and immediately thereunder-

(i) the figures and letters;

(ii) the letters and letters; or

(iii) the letters and figures, and, if applicable, immediately thereunder, the letters in one line.

(4) Subject to the standard specification referred to in subregulation (1), the MEC concerned may, on application in writing and upon payment of the applicable fee, if any, approve the display on number plates of letters and figures of 60 millimetres on the rear of motor vehicles which has illuminated space at the rear which is too small to permit the attachment of number plates with letters or figures of 75 millimetres.

(5) The owner of a motor vehicle shall cause the number plate of such motor vehicle to be affixed thereto, from the date of licensing of such motor vehicle, in the manner referred to in subregulation (7), whether or not such motor vehicle is operated on a public road: Provided that the provisions of this subregulation shall not apply in respect of a number plate which is removed from such motor vehicle for the purpose of effecting repairs to such motor vehicle or number plate, and while such motor vehicle is not operated on a public road.

(6) No person shall operate on a public road a motor vehicle-

(a) on which a licence number or anything purporting to be a licence number, which is not applicable to such vehicle, is displayed;

(b) of which the licence number is in any way obscured or has become illegible, except if such licence number is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle;

(c) while, subject to subregulation (2)-

(i) any design appears on the number plate or if such plate is fitted to a number plate holder, on such holder; and

(ii) there appears within 150 millimetres of the licence number applicable to such motor vehicle, a design, ornamentation, figure or letter which is not a component part of the standard equipment or construction of that motor vehicle:

Provided that the provisions of this paragraph shall not apply to a distinguishing sign of the country of registration affixed in terms of the Convention, or to a logo or landscape determined by the MEC concerned;

(d) which, if such motor vehicle is deemed to be registered and licensed by reason of it being registered or licensed in a prescribed territory, does not comply with the legislation of that prescribed territory relating to the registration and licensing of motor vehicles and matters in connection therewith;

(e) which is registered in a prescribed territory, other than the Republic of Namibia, without displaying the distinguishing sign of the country of registration allocated in terms of the Convention;

(f) if such vehicle is registered in the Republic and displays thereon a distinguishing sign other than the distinguishing sign allocated to the Republic in terms of the Convention, or other than a logo or landscape determined by the MEC concerned;

(g) in or on which a number plate is carried on which a licence number appears which is not applicable to such motor vehicle or anything purporting to be a licence number, unless he or she provides evidence that such plate was not carried with criminal intent;

[Para. (g) amended by Gen N 2116/2001]

(h) registered in the Republic, if each number plate, which complies with subregulations (1), (2) and (3), displayed on the motor vehicle does not display the same licence number, letter type, colours, and logo or landscape; or

[Para. (h) amended by Gen N 2116/2001]

(i) on which a number plate is displayed that does not comply with standard specification SABS 1116: “Retro-reflective Registration Plates for Motor Vehicles”, Part 2: “Registration plates (metal)” or Part 4: “Registration plates (plastic)”.

[Para. (i) added by Gen N 2116/2001 and substituted by GN R1341/2003]

(7) A number plate shall be affixed-

(a) in such a manner that it is not easily detachable;

(b) in an upright position or within 30 degrees of such position;

[Para. (b) amended by GN R1341/2003]

(c) in such a manner that each letter and figure thereon is clearly legible;

(d) in such a manner that the whole number plate is clearly visible;

(e) to the back of a motor cycle, motor tricycle, motor quadrucycle or trailer; and

(f) one to the back and one to the front of all other motor vehicles.

(8) A number plate shall, in the case of-

(a) a double-deck bus of which the engine is at the rear, be affixed not higher than one comma nine metres from ground level; or

(b) any other motor vehicle, be affixed not higher than one comma five metres from ground level.

(9) The provisions of subregulation (7) in relation to legibility and visibility of a number plate which is affixed to the back of a motor vehicle, shall not apply to a motor vehicle which is towing another vehicle.

36. Display of licence disc or licence and roadworthy certificate disc

(1) The owner of a motor vehicle shall display a licence disc or licence and roadworthy certificate disc, whichever the case may be, issued in respect of such motor vehicle-

(a) if the motor vehicle is fitted with a transparent windscreen, by affixing it on the lower left hand corner in such a manner that the print on the face of the licence disc or licence and roadworthy certificate disc, whichever the

case may be, is clearly legible from the outside to a person standing in front or to the left front of such vehicle;

(b) if the motor vehicle is not fitted with a transparent windscreen, by affixing it in a conspicuous position on the left front side of such motor vehicle in such a manner that the print on the face of such a licence disc or licence and roadworthy certificate disc, whichever the case may be, is clearly legible from that side; or

(c) if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is required to be displayed on a motor vehicle in a position where it is exposed to the weather, be protected by affixing such licence disc or licence and roadworthy certificate disc, whichever the case may be, on the inside of the transparent front of a durable watertight holder.

(2) No person shall operate on a public road a motor vehicle on which is displayed a licence disc or a licence and roadworthy certificate disc, whichever the case may be, or anything purporting to be a licence disc or licence and roadworthy certificate disc-

(a) which is not applicable to such motor vehicle;

(b) which is in any way obscured or has become illegible, except if such licence disc or licence and roadworthy certificate disc, whichever the case may be, is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.

(3) (a) No person shall operate on a public road, a motor vehicle that is not registered and

licenced or not licenced, unless such vehicle is exempt from registration and licencing as contemplated in regulation 5.

(b) No person shall operate a motor vehicle on a public road unless a valid licence disc or licence disc and roadworthy certificate is displayed on such motor vehicle as contemplated in subregulation (1).

[Subreg. (3) added by GN R1341/2003]

37. Procedure for refund of motor vehicle licence fees

(1) The owner of a motor vehicle which has been-

(a) reported stolen as referred to in regulation 54(1)(c);

(b) reported permanently unfit for use as a motor vehicle or as permanently demolished as referred to in regulation 55(1)(b); or

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

[Subreg. (1) substituted by GN R881/2004]

(2) The owner of the motor vehicle referred to in subregulation (1) shall, within a period not exceeding three months after the date of notification in terms of regulation 54(1) or 55(1) or the date of deregistration, apply to the MEC of the province to which such owner has paid the motor vehicle licence fees referred to in subregulation (1), for a refund of the motor vehicle licence fees, on a form similar to form RLF, or on form RLF, as shown in Schedule 2.

(3) On receipt of the application referred to in subregulation (2), the MEC concerned may refund the owner of the motor vehicle referred to in subregulation (1), with the amount referred to in subregulation (1) but an amount of less than R100 shall not be refunded.

[Subreg. (3) amended by Gen N 2116/2001]

Part II

Registration of manufacturers, builders, importers and manufacturers of number plates

38. Certain manufacturers, builders and importers to register

Any manufacturer, builder or importer who manufactures, builds, modifies or imports motor vehicles for the purpose of his or her business of selling motor vehicles or modifications of motor vehicles, shall register as a manufacturer, builder or importer.

39. Manner of application for registration as manufacturer, builder or importer

(1) An application for registration as a manufacturer, builder or importer in terms of section 5 of the Act shall be made on form MIB 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) in the case of an importer of motor vehicles, the Customs Code Number of the applicant as issued by the South African Revenue Service in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964); and

(d) any other additional information or documents as may be required by the chief executive officer.

40 Manner of registration of manufacturer, builder or, importer

(1) On receipt of an application for registration as manufacturer, builder or importer, the chief executive officer shall-

(a) ensure that such application is in order;

(b) require the inspectorate of manufacturers, builders and importers to-

(i) evaluate the applicant in respect of compliance of the vehicles manufactured, built, modified or imported by such applicant with the relevant 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 the designated officer of the South African Police Service as appointed by the Vehicle Identification Section and Safeguarding Unit to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such

convictions, and any such official is hereby authorised to report accordingly; and

[Para. (c) amended by GN R1341/2003]

(d) with due regard to the evaluation and recommendations of the inspectorate of manufacturers, builders and importers and the South African Police Service, satisfy himself or herself that the applicant is suitable to be registered.

(2) If the chief executive officer is satisfied that the applicant may be registered as a manufacturer, builder or importer, he or she shall-

(a) register the applicant subject to any or all of the conditions as are prescribed in regulation 41 and, if he or she deems fit, such conditions as are determined by him or her;

(b) record the particulars pertaining to such applicant on the register of manufacturers, builders and importers; and

(c) issue to such applicant a certificate of registration on form MCR as shown in Schedule 2, which shall reflect the conditions referred to in paragraph (a).

(3) If the chief executive officer is not satisfied that the applicant may be registered as a manufacturer, builder or importer, he or she shall notify such applicant accordingly.

(4) A registered manufacturer, builder or importer of motor vehicles shall, at any time, be subject to an evaluation by the inspectorate of manufacturers, builders and importers.

41. Conditions for registration of manufacturer, builder or importer

The chief executive officer-

(a) shall require as a condition of registration that -

(i) notice be given by the manufacturer, builder and importer concerned on form NVM as shown in Schedule 2 to the inspectorate of manufacturers,

builders or importers of all models of motor vehicles being manufactured, built, modified or imported;

[Item (i) amended by Gen N 2116/2001]

(ii) a model number referred to in regulation 44(1)(f) be obtained and held by manufacturers, builders or importers for each model of a motor vehicle being manufactured, built, modified or imported; and

[Item (ii) amended by Gen N 2116/2001]

(iii) a certification of roadworthiness be obtained for every motor vehicle of such model as specified from time to time by the inspectorate of manufacturers, builders and importers in terms of regulation 44(1)(dA);

[Item (iii) inserted by Gen N 2116/2001]

(b) may require as a condition of registration-

(i) that a motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer, shall, be presented to the South African Police Service for clearance of such motor vehicle;

(ii) that a certification of roadworthiness be obtained for every motor vehicle of such model specified by the inspectorate of manufacturers, builders and importers in the recommendation contemplated in regulation 40(1)(b)(ii); or

(iii) that both the conditions referred to in items (i) and (ii) be complied with.

42. Manner of suspension or cancellation of registration of manufacturer, builder or importer

(1) If the chief executive officer intends to suspend or cancel the registration of a manufacturer, builder or importer in terms of section 5(4) of the Act he or she shall notify such manufacturer, builder or importer of such intention and the reason therefor.

(2) The manufacturer, builder or importer 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 chief executive officer.

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

(a) cancel the registration of the manufacturer, builder or importer concerned, or suspend such registration for such period as he or she may deem fit; or

(b) not cancel or suspend the registration of the manufacturer, builder or importer concerned, and notify the manufacturer, builder or importer accordingly.

(4) The manufacturer, builder or importer, of which the registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the chief executive officer the certificate of registration.

43. Manufacturers, builders or importers not required to register must comply with conditions

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

[Subreg. (1) substituted by Gen N 2116/2001 and GN R881/2004]

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

[Subreg. (2) substituted by GN R881/2004]

(3) Any motor vehicle manufactured, modified or imported by a manufacturer, builder or importer referred to in subregulation (1) shall be presented to the South African Police Service for clearance of such motor vehicle and a certification of roadworthiness shall be obtained for every such a motor vehicle prior to registration.

44. Powers and duties of inspectorate of manufacturers, builders and importers

(1) The inspectorate of manufacturers, builders and importers-

(a) shall in terms of regulation 40(1)(b), evaluate a manufacturer, builder or importer and make a recommendation to the chief executive officer regarding-

(i) the suitability of such manufacturer, builder or importer to be registered; and

(ii) the conditions upon which such manufacturer, builder or importer should be registered;

(b) shall, in respect of every registered manufacturer, builder or importer conduct at least on inspection per year to evaluate the compliance by such manufacturer, builder or importer with the relevant legislation, standards, specifications and codes of practice;

[Para. (b) amended by GN R1341/2003]

(c) may advise any registered manufacturer, builder or importer in writing on the improvement and maintenance of standards applied by the manufacturer, builder or importer concerned and submit a copy of such written advice to the chief executive officer;

(d) may advise any manufacturer, builder or importer in writing on the improvement of any motor vehicle design or any design of a motor vehicle modification being manufactured, modified or imported;

(dA) may specify in writing a model of motor vehicles manufactured, built or imported by a registered manufacturer, builder or importer, in respect to which a certification of roadworthiness must be obtained for every motor vehicle of that model, and shall submit a copy of such written specification to the chief executive officer;

[Para. (dA) inserted by Gen N 2116/2001]

(dB) if a motor vehicle design, a design of a motor vehicle modification or an imported motor vehicle, being manufactured, modified or imported by a manufacturer, builder or importer, who is not required to be registered in terms of these regulations, comply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic, shall issue a letter of authority in respect of such design or imported;

[Para. (dB) inserted by Gen N 2116/2001]

(dC) notwithstanding the provisions of paragraph (dB) no new body may be built or modified on a minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA by an unregistered body builder or importer;

[Para. (dC) inserted by GN 871/2005 and GN R891/2006]

(e) shall, when necessary, recommend to the chief executive officer the suspension, cancellation or change in conditions of the registration of a manufacturer, builder or importer;

(f) if models of motor vehicles being manufactured, built, modified or imported by registered manufacturers, builders and importers comply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic, shall issue such models of motor vehicles with a model number;

[Para. (f) amended by GN 871/2005 and GN R891/2006]

(fA) shall, subject to subregulation (a), issue to a registered body builder, a model number for a completely new minibus, midibus or bus provided with a new body on a new chassis or chassis cab, or a modified body on a new chassis or chassis cab, or an imported new minibus, midibus or bus;

[Para. (fA) inserted by GN 871/2005 and GN R891/2006]

(fB) shall subject to the provisions of this regulation issue a certificate of compliance to any minibus or midibus registered on or before the enactment of this regulations, complying with the provisions of this Act and operating in terms of an operating licence, issued in accordance with the provisions of the NLTTA;

[Para. (fB) inserted by GN R891/2006]

Provided that notwithstanding the exclusion contained in the Compulsory Specification for Motor vehicles of Category M2 and M3, no minibus and midibus first registered on or after 1 January 2006 operating in terms of an operating license issued in accordance with the provisions of the NLTTA shall be issued with a model number and a certificate of compliance, unless it complies with the superstructure requirement contemplated in SANS 1563 " The strength of large passenger vehicle superstructures (roll-over bars).

[Proviso inserted by GN R891/2006]

(g) may suspend or cancel the model number of models of motor vehicles in the event of such models not continuing to comply with the relevant legislation, standards, specifications and codes of practice for motor vehicles in force in the Republic.

(2) A person employed by, or who acts on behalf of, the inspectorate of manufacturers, builders or importers, may at any reasonable time-

(a) for the purposes of evaluating a manufacturer, builder or importer and making a recommendation as contemplated in regulation 40(1)(b)(i), inspect, examine or test any motor vehicle which is being manufactured, built, modified or imported by such manufacturer, builder or importer; and

(b) without prior notice-

(i) enter the premises of any manufacturer, builder or importer;

(ii) inspect any records of such manufacturer, builder or importer; or

(iii) question any person with regard to any matter relating to the operation of such manufacturer, builder or importer.

45. Fee to defray expenditure incurred by inspectorate of manufacturers, builders and importers

(1) A manufacturer, builder or importer shall upon being registered as such, pay a fee to be determined by the Minister by notice in the *Gazette*, to the inspectorate of manufacturers, builders and importers in respect of inspections carried out by the said inspectorate, and thereafter such fee shall be so payable yearly upon the anniversary of the date of registration.

(2) A manufacturer, builder or importer not required to be registered in terms of these regulations shall pay a fee to be determined by the Minister by notice in the *Gazette*, per motor vehicle design or design of motor vehicle modification of which the inspectorate of manufacturers, builders and importers is notified in terms of regulation 43(1), to the said inspectorate in respect of inspections carried out by it.

(3) The inspectorate of manufacturers, builders and, importers shall not later than 1 June of each year, submit to the Director-General a statement of fees received and costs incurred by or on behalf of such inspectorate, for the period 1 April to 31 March.

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, notify the chief executive officer of such change on form MIB as shown in Schedule 2.

(2) On receipt of the notification referred to in subregulation (1), the chief executive officer shall update the particulars pertaining to such manufacturer, builder or importer in the register of manufacturers, builders and importers.

47. Manner of change of conditions upon which manufacturer, builder or importer is registered

(1) The chief executive officer shall notify a manufacturer, builder or importer of any intention to change the conditions upon which such manufacturer, builder or importer is registered, and of the extent of such change.

(2) Within 21 days after receipt of the notification referred to in subregulation (1), the manufacturer, builder or importer concerned may make a written representation to the chief executive officer.

(3) The chief executive officer shall consider any representation made in terms of subregulation (2), if any.

(4) When the conditions upon which a manufacturer, builder or importer is registered change-

(a) the chief executive officer shall notify the manufacturer, builder or importer concerned of such change; and

(b) the manufacturer, builder or importer concerned shall within 14 days after such change submit to the chief executive officer the certificate of

registration issued to such manufacturer, builder or importer upon registration.

(5) On receipt of the certificate of registration, the chief executive officer shall issue to the manufacturer, builder or importer concerned a new certificate of registration on form MCR as shown in Schedule 2, which shall reflect the new conditions.

48. Manufacturers of number plates to register

No person shall manufacture or sell number plates unless, such person is registered as a manufacturer of number plates in terms of these regulations.

49. Manner of application by and registration of manufacturers of number plates

(1) An application for registration as a manufacturer of number plates in terms of section 5
of the Act shall be made on form MNP 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 chief executive officer.

(3) On receipt of an application for registration as a manufacturer of number plates, the chief executive officer shall ensure that such application is in order.

(4) If the chief executive officer is satisfied that the applicant may be registered as a manufacturer of number plates he or she shall-

(a) register the applicant subject to the conditions prescribed in regulation 50, and if he or she deems fit, such conditions as are determined by him or her;

(b) record the particulars pertaining to such applicant in the register of manufacturers of number plates; and

(c) issue to such applicant a certificate of registration, on form CRNPM as shown in Schedule 2, which shall reflect the conditions referred to in paragraph (a).

[Para. (c) amended by GN R1066/2005]

(5) If the chief executive officer is not satisfied that the applicant may be registered as a manufacturer of number plates, he or she shall notify such applicant accordingly.

50. Conditions for registration as manufacturer of number plates

(1) Number plates manufactured. by a manufacturer of number plates shall comply with the
requirements of-

(a) standard specification SABS 1116: "Retro-reflective Registration Plates for Motor Vehicles", Part 2:

"Registration plates (metal)" and Part 4: "Registration, plates (plastics)"; and

(b) regulation 35(2) and (3).

(2) Manufacturers of number plates shall keep a register of number plates manufactured, which register shall contain-

(a) the licence number brought onto the number plate concerned;

(b) the date of manufacture of the number plate;

(c) the chassis number of the vehicle to which the number plate concerned is fitted;

(d) the acceptable identification of the person to whom the number plate concerned is sold; and

(e) such additional information as required by the chief executive officer.

(3) The register of number plates must be put at the disposal of any traffic officer, member of the South African Police Service or any other local or provincial authority, upon request.

(4) Manufacturers of number plates shall only use such materials and processes in the manufacture of number plates as are approved by the South African Bureau of Standards and for which test reports are held on the premises of such manufacturer of number plates.

(5) The registration certificate of a manufacturer of number plates shall be displayed in a conspicuous position on the premises of such manufacturer of number plates in such a manner that it is visible to members of the public.

51. Manner of suspension or cancellation of registration of manufacturer of number plates

(1) If the chief executive officer intends to suspend or cancel the registration of a manufacturer of number plates in terms of section 5(4) of the Act he or she shall notify such manufacturer of such intention and the reason therefor.

(2) The manufacturer of number plates 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 chief executive officer.

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

(a) cancel the registration of the manufacturer of number plates concerned, or suspend such registration for such period as he or she may deem fit; or

(b) not cancel or suspend the registration of the manufacturer of number plates concerned, and notify the manufacturer of number plates accordingly.

(4) The manufacturer of number plates whose registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the chief executive officer the certificate of registration.

General

52. Procedure for change of particulars of title holder or owner of registered motor vehicle

(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, notify the appropriate registering authority of such change on form NCP as shown in Schedule 2.

[Subreg (1) amended by GN R1066/2005]

(2) If the name or identification number as reflected in the acceptable identification of the title holder or owner of a motor vehicle registered in terms of these regulation 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

[Para. (a) amended by GN R1066/2005]

(b) submit the new acceptable identification.

(3) Where a change referred to in subregulation (2) occurs in respect of a title holder, such title holder shall submit every registration certificate issued to him or her, together with the notification referred to in subregulation (2)(a), to the appropriate registering authority.

(4) In the case of a change referred to in subregulation (1) in respect of the proxy or representative of a body of persons, the notification referred to in that subregulation shall be accompanied by the acceptable identification of the new proxy or representative, as the case may be and, if applicable, a letter of proxy.

(5) On receipt of the notification referred to in subregulation (1) or (2), the registering authority shall

(a) ensure that such notification is in order;

(b) update the particulars pertaining to the person or body of persons concerned in the register of motor vehicles;

(c) …….

[Para. (c) deleted by GN R1066/2005]

(d) in the case of a notification referred to in subregulation (2) in respect of a change in the name or identification number as reflected in the acceptable identification of the title holder of a motor vehicle, issue a new registration certificate to the title holder concerned, upon payment of the appropriate fees for the issue of a duplicate document as determined by the MEC of the province concerned.

(6) The owner of a motor vehicle shall notify the title holder of such motor vehicle of any change of address or particulars of the owner as referred to in subregulations (1) and (2).

53. Duty of title holder and owner of motor vehicle where such title holder or owner changes

(1) No person shall, either for himself or herself, the State or on behalf of another person-

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

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

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

[Para. (a) substituted by GN R1341/2003]

(b) acquire or take delivery of a motor vehicle if the motor vehicle may not be disposed of or delivered or traded with in terms of paragraph (a).

(2) If a motor vehicle forms part of the estate of a deceased person, the executor or executrix of the estate shall ensure that the motor vehicle is registered and licensed if required to be registered and licensed in terms of this Chapter, and

that the registration certificate, and if the motor vehicle is required to be licensed, the motor vehicle licence, accompanies the motor vehicle concerned.

(3) If there is a change of title holder of a motor vehicle, the current title holder of such motor vehicle shall

(a) complete the relevant portion of form NCO as shown in Schedule 2;

[Para. (a) amended by GN R1066/2005]

(b) ensure that the new title holder completes the relevant portion of such form;

(c) forward the form referred to in paragraph (a) to the appropriate registering authority forthwith; and

(d) hand over the registration certificate concerned to the new title holder, but where the owner is in possession of such certificate, that owner shall hand over that certificate to the new title holder.

(4) If there is a change of owner of a motor vehicle, the current owner of such motor vehicle shall notify the registering authority where such motor vehicle is licensed of such change and shall identify the new owner of such motor vehicle, on form NCO as shown in Schedule 2.

[Subreg. (4) substituted by GN R1341/2003]

(5) On receipt of a notification referred to in subregulation (3) or (4), the registering authority-

(a) shall ensure that such notification is in order;

(b) shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles; and

(c) may acknowledge receipt of such notice on form ARN as shown in Schedule 2.

(6) For the purposes of this regulation, every branch of a business or body of persons referred to in paragraph (a)(ii), (iii) and (iv) of the definition of "appropriate registering authority" in regulation 1, shall be deemed to be a title holder or owner, as the case may be.

implex

53A. Procedure when owner requests motor dealer to display motor vehicle on dealers premises

If the owner of a motor vehicle requests a motor dealer to display his or her vehicle at the premises of the motor dealer, for purposes of the sale of such motor vehicle, he or she shall give notice to the registering authority of the name of the motor dealer and the street address where such vehicle is displayed for sale.

[Reg. 53A inserted by GN R1341/2003]

54. Procedure if motor vehicle is stolen

(1) If a motor vehicle is stolen, the owner of such motor vehicle shall-

(a) report the theft to the South African Police Service, within 24 hours after he or she has become aware of such theft;

(b) notify the title holder forthwith of the theft;

(c) within seven days after the date upon which he or she has become aware of the theft, if the motor vehicle concerned has not been recovered during such period, notify the appropriate registering authority of such theft by forwarding form CNV as shown in Schedule 2, to such registering authority; and

[Para. (c) amended by GN R1066/2005]

(d) submit the registration certificate of the motor vehicle concerned to the registering authority concerned, if such certificate is in such owner's possession.

(2) A change of title holder or owner of a motor vehicle reported stolen shall not be recorded in the register of motor vehicles unless such change results from

(a) an agreement of indemnity against the theft of such motor vehicle; or

(b) an agreement between the owner and the title holder of such motor vehicle.

(3) The title holder of the motor vehicle referred to in subregulation (1) shall -

(a) within three months after the date on which he or she was notified of the theft, notify the appropriate registering authority of such theft on form ADV as shown in Schedule 2; and

[Para. (a) amended by GN R1066/2005]

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

(4) On receipt of the notification referred to in subregulation (1)(c) or (3)(a), the registering authority shall-

(a) ensure that such notification is in order;

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

(c) in the case of the notification referred to in subregulation (3)(a), issue a deregistration certificate on form VDC as shown in Schedule 2, to the title holder of the motor vehicle concerned; and

(d) issue an acknowledgement of receipt of the notification referred to in subregulation (1)(c) on form ARN as shown in Schedule 2.

(5) If a registering authority has in terms of subregulation (4)(d) acknowledged receipt of the notification referred to in subregulation (1)(c), or if the owner reported the theft to the South African Police Service, the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgment was issued, or following the month in which the owner reported the theft, as the case may be: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority or the South African Police Service, due to circumstances beyond his or her control, shall be disregarded.

[Subreg. (5) substituted by Gen N 2116/2001]

(6) If the motor vehicle referred to in subregulation (1) is recovered after an acknowledgement of receipt has been issued as contemplated in subregulation

(4)(d) and prior to the issue of a deregistration certificate as contemplated in subregulation (4)(c), the owner of such motor vehicle shall-

(a) within 24 hours after such recovery, notify the South African Police Service thereof;

[Para. (a) amended by GN R881/2004]

(b) notify the title holder and the appropriate registering authority forthwith of such recovery; and

[Para. (b) amended by GN R881/2004]

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

[Para. (c) deleted by GN R1341/2003 and added by GN R881/2004]

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

[Subreg. (7) substituted by GN R1341/2003]

55. Procedure if motor vehicle becomes permanently unfit for use as motor vehicle or has been permanently demolished

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

(a) notify the title holder forthwith thereof;

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

(c) submit the registration certificate of the motor vehicle concerned to the appropriate registering authority, if such certificate is in such owner's possession.

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

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

(b) if the registration certificate of such motor vehicle has not been submitted by the owner under subregulation (1)(c), submit such certificate and the notification referred to in paragraph (a) to the appropriate registering authority.

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

(a) ensure that the notification is in order;

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

[Para. (b) substituted by GN R881/2004]

(c) issue an acknowledgement of receipt of the notification referred to in subregulation (1)(b) or subregulation (6)(a), on form ARN as shown in Schedule 2 to the owner; and

(d) in the case of the notification referred to in subregulation (2)(a) or subregulation (7)(a) issue a deregistration certificate on form VDC as shown in Schedule 2 to the title holder of the motor vehicle concerned.

(4) If a registering authority has in terms of subregulation (3)(c), acknowledged receipt of the notice referred to in subregulation (1)(b) or 6(a), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.

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

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

(a) notify the appropriate registering authority, on form CNV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and

(b) if not already, comply with all requirements of subregulation (1).

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

(a) notify the appropriate registering authority, on form ADV as shown in Schedule 2, that such motor vehicle has been permanently demolished; and

(b) if not already, comply with all requirements of subregulation (2).

[Reg. 55 substituted by GN R1341/2003]

55A. Procedure if motor vehicle is impounded by South African Police Service

(1) If a motor vehicle is impounded by the South African Police Service, the owner of such motor vehicle shall-

(a) notify the title holder forthwith of the impoundment;

(b) within three months after the date on which such motor vehicle has been impounded, notify the appropriate registering authority thereof on form CNV or MVR1A as shown in Schedule 2; and

(c) submit a receipt issued by the South African Police Service which indicates that the said motor vehicle was impounded and the period for which the vehicle is impounded, to the registering authority.

(2) Upon receipt of the notification and receipt referred to in subregulation (1), 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; and

(c) issue an acknowledgment of receipt of the notification on form ARN as shown in Schedule 2, to the owner.

(3) Notwithstanding any provision to the contrary contained in these regulations, if a registering authority has in terms of subregulation (2)(c) acknowledged receipt of the notice referred to in subregulation (1)(b), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle with effect from the first day of the month following the month in which such acknowledgment was issued, until the first day of the month following the month in which the vehicle was released by the South African Police Service: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.

[Reg. 55A inserted by Gen N 2116/2001]

56. Number to be affixed to motor vehicle

(1) Every motor vehicle shall have a chassis number of not more than 17 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to such motor vehicle and, if applicable, an engine number of not more than 20 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to the engine of such motor vehicle.

(2) The chassis number of every motor car, minibus, bus or goods vehicle registered for the first time on or after 1 January 1996, shall comply with the following standard specifications:

(a) SABS/ISO 3779: “Road vehicles - Vehicle identification number (VIN) - Content and structure”;

(b) SABS/ISO 4030: “Road vehicles - Vehicle identification number (VIN) - Location and attachment”;

(c) SABS/ISO 3780: “Road vehicles - World Manufacturer identifier (WMI) code”.

(3) The title holder of a motor vehicle-

(a) which does not bear a chassis number;

(b) which, if it is a self-propelled vehicle, does not bear an engine number;

(c) which does not bear both the numbers referred to in paragraphs (a) and (b), if applicable;

(d) of which the number referred to in paragraph (a), appears on another motor vehicle

[Para. (d) amended by Gen N 2116/2001]

(e) of which the number referred to in paragraph (a) or (b) is altered, defaced or obliterated, shall tender such motor vehicle to the South African Police Service.

(4) The South African Police Service shall issue a new chassis or engine number or a new chassis and engine number, whatever the case may be, in respect of the motor vehicle referred to in subregulation (3).

(5) The title holder of a motor vehicle referred to in subregulation (3) shall

(a) cause the number issued by the South African Police Service as referred to in subregulation (4) to be cut, stamped, embossed on or permanently affixed to such motor vehicle; and

(b) obtain clearance from the South African Police Service in respect of the number referred to in paragraph (a).

(6) The number referred to in subregulation (5) shall be the chassis or engine number, or chassis and engine number, whatever the case may be, of the motor vehicle concerned.

(7) The title holder referred to in subregulation (5) shall furnish the registering authority with the clearance referred to in that subregulation and with the registration certificate of the motor vehicle concerned.

(8) The registering authority concerned shall issue a new registration certificate to the title holder upon payment of the appropriate fees for a duplicate document, as determined by the MEC of the province concerned, which reflects the number referred to in subregulation (5).

57. Penalties for late registration or licensing

(1) If an application for the registration or licensing of a motor vehicle or licensing of a motor trade number is not made within the period determined in this Chapter, the title holder, owner or holder, as the case may be, shall pay a penalty to the appropriate registering authority, calculated at one tenth of the appropriate fees as determined by the MEC of the province concerned, for every month or part of a month during which the fees remain unpaid: Provided that such penalty shall not exceed the total amount of the appropriate fees.

(2) The payment by the title holder or owner of a motor vehicle or holder of a motor trade number of the registration or licence fees or motor trade number licence fees, as the case may be, as well as the penalty referred to in subregulation (1), shall not relieve such title holder, owner or holder from prosecution for his or her failure to register or licence such motor vehicle or motor trade number timeously, nor shall such a prosecution relieve such title holder, owner or holder of the liability to pay the appropriate fees for registration or licensing, as well as the penalty referred to in subregulation (1).

(3) The title holder or owner of a motor vehicle or the holder of a motor trade number who submits an application on the appropriate form to the appropriate registering authority for the registration or licensing of a motor vehicle or motor trade number, as the case may be, together with the appropriate fees within the time allowed, but fails to furnish any relevant document or particulars which may be required by the registering authority, shall, notwithstanding anything to the contrary contained in this regulation, not be liable for any penalty if such

registering authority is satisfied that such failure was due to circumstances beyond the control of such title holder, owner or holder.

(4) If the MEC concerned is satisfied that payment of registration or licence fees or motor trade number licence fees was delayed by a cause beyond the control or was not due to any fault on the part of the title holder or owner of a motor vehicle or holder of a motor trade number, he or she may direct that a penalty paid in respect of the registration or licensing, or so much thereof as the circumstances appear to him or her to justify, shall be refunded to such title holder, owner or holder.

(5) Penalties or fees payable in respect of the registration or licensing of a motor vehicle or motor trade number, as the case may be, in terms of this Chapter, shall be a debt due to the MEC concerned and may be recovered in a competent court by a registering authority on behalf of the MEC concerned.

58. Registration and licence fees not payable in respect of certain vehicles

Notwithstanding anything to the contrary contained in these regulations, registration and licence fees are not payable in respect of a motor vehicle-

(a) certified by the Chief of the South African Defence Force as owned by a friendly State and intended exclusively for military purposes in the Republic; or

(b) of which the owner is a foreign government, a diplomat representing a foreign country, an international or intergovernmental organization or any person or class of persons as the Minister of Foreign Affairs may determine.

59. Arrear fees for licensing of motor vehicle or motor trade number

(1) If application is made for the licensing of a motor vehicle or motor trade number in a month following the month in which liability for the licensing of such motor vehicle or motor trade number arose, arrear licence fees, calculated at one twelfth per month of the annual licence fees from the first day of the month in which liability for such licensing arose until the last day of the month preceding the month in which application is made, shall be payable.

(2) If a person who owes any penalties or fees in terms of the provisions of this Act to any registering authority or driving licence testing centre, applies for any transaction, the registering authority or driving licence testing centre to whom

such application is made, may refuse to effect the transaction applied for or, in the case of an application for the licensing of a motor vehicle at a registering authority, refuse to issue a licence disc to the applicant, until such penalties and fees have been paid, and may apply any amount tendered in settlement of such penalties and fees due.

[Subreg. (2) substituted by GN R1341/2003]

60. Period of grace

Where, in terms of the provisions of this Chapter, provision is made for a period within which an application shall be made, such period shall be construed as a period of grace allowed to the applicant during which he may make such application without being liable for a penalty referred to in regulation 57 or prosecution for not making such application timeously.

61. Procedure when cheque is dishonoured

(1) If any penalties or fees payable for a transaction in terms of the provisions of this Chapter are paid by cheque and such cheque is dishonoured on presentation, the registering authority concerned may notify the person concerned thereof in writing and unless the person concerned honours such cheque within the period allowed by the authority concerned, the registering authority shall record a levy as determined by the MEC of the province concerned on the account of the applicant concerned, and-

(a) in the case of the licencing of a motor vehicle where a change of title holder or owner has not taken place, amend the register of motor vehicles by replacing the date of expiry of the motor vehicle licence with which the person concerned was issued upon payment of the dishonoured cheque (hereafter referred to as the “new licence”) with the date of expiry of the motor vehicle licence which the person held before he or she was issued with the new licence, upon which the new licence shall be deemed to be invalid;

(b) in the case of the licencing of a motor vehicle where a change of title holder or owner has taken place, or in the case of the registration of a Motor vehicle, record the outstanding amount on the account of the applicant concerned in the register of motor vehicles;

(c) in the case of the licencing of a motor trade number where a change of the holder of a motor trade number has not taken place, amend the register of motor trade numbers by replacing the date of expiry of the motor trade number licence with which the person concerned was issued upon payment of the dishonoured cheque (hereafter referred to as the "new motor trade number licence") with the date of expiry of the motor trade number licence which the person held prior to being issued with the new motor trade number licence, upon which the new motor trade number licence shall be deemed to be invalid;

(d) in the case of the licencing of a motor trade number where a change of holder of a motor trade number has taken place, or in the case of the issue of a motor trade number, record the outstanding amount on the account of the applicant concerned in the register of motor trade numbers;

(e) in the case of all other transactions, record the outstanding amount on the account of the applicant concerned.

(2) The amount and the levy referred to in subregulation (1), shall be recovered by the registering authority in a manner determined by the MEC concerned.

(3) The MEC concerned may record in the register of motor vehicles or in the register of motor trade numbers, that any future payments by way of a cheque by the applicant concerned shall be refused.

62. Duty to furnish information

(1) Any person requested by the Director-General: Provincial Administration concerned, a traffic officer, an inspector of licences, an examiner of vehicles, or the chief executive officer to furnish information regarding a motor vehicle or a motor vehicle body which is or may have been at any time in his or her possession, shall furnish such information.

(2) A person shall furnish such information as may be required by the Director-General: Provincial Administration concerned, a traffic officer, an inspector of licences, an examiner of vehicles or the chief executive officer regarding any matter in respect of which such person has a responsibility in terms of the Act.

63. Duty of registering authority in respect of records

(1) A registering authority shall keep a file for every motor vehicle it registers or licenses, and for every motor trade number such registering authority issues and licenses.

(2) The registering authority shall record all the transactions such registering authority effects in the applicable register and keep record of such transactions.

64. Confirmation of information in respect of motor vehicle

(1) A person may apply to a registering authority, other than the registering authority of the South African Police Service, on form ACV as shown in Schedule 2, for a confirmation certificate in respect of a motor vehicle.

[Subreg. (1) amended by GN R1066/2005]

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

(a) the acceptable identification of the applicant and, in the case of a body of persons, that of its proxy and representative and a letter of proxy; and

(b) the appropriate fees, as determined by the MEC of the province concerned.

(3) On receipt of the application referred to in subregulation (1), the registering authority shall, if satisfied that the application is in order, issue a confirmation certificate on form MVI as shown in Schedule 2.

64A. Manner of application for registration as an external road traffic register user

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

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

(a) the acceptable identification of the applicant and that of its proxy and representative and a letter of proxy; and

(b) any other additional information or documents as may be required by the Minister.

[Reg. 64A inserted by GN R881/2004]

64B. Manner of registration as an external road traffic register user

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

(a) ensure that such application is in order;

(b) require the Department to-

(i) evaluate the applicant; and

(ii) submit a recommendation in respect of the registration of the applicant;

(c) require the designated officer of the South African Police Service as appointed by the Vehicle Identification Section and Safeguarding Unit to submit a report, in respect of the applicant, and such report may contain any prior convictions recorded against the applicant and the nature of such convictions, and any such official is hereby authorised to report accordingly;

(d) with due regard to the evaluation and recommendations of the Department and the South African Police Service, satisfy himself or herself that the applicant is suitable to be registered; and

(e) after consultation with the MECs, inform the applicant of his or her decision.

(2) If the Minister is satisfied that the applicant may be registered as an external road traffic register user, the Minister shall-

(a) register the applicant subject to the condition as is prescribed in regulation 64C and, such other conditions as the Minister deems fit;

(b) record the particulars pertaining to such applicant in the register of external road traffic register users; and

(c) issue to such applicant a letter of confirmation of registration, which shall include the conditions referred to in paragraph (a).

implex

(3) If the Minister is not satisfied that the applicant may be registered as an external road traffic register user, the Minister shall notify such applicant accordingly.

[Reg. 64B inserted by GN R881/2004]

64C. Conditions for registration as an external road traffic register user

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

[Reg. 64C inserted by GN R881/2004]

64D. Manner of suspension or cancellation of registration as an external road traffic register user

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

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

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

(a) cancel the registration of the external road traffic register user concerned, or suspend such registration for such period as he or she may deem fit; or

(b) not cancel or suspend the registration of the external road traffic register user concerned, and notify the external road traffic register user accordingly.

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

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

[Reg. 64D inserted by GN R881/2004]

65. Exporting of motor vehicle

(1) If the owner of a motor vehicle, other than a manufacturer or a builder of a new motor vehicle, intends to export
such motor vehicle, such owner shall notify the appropriate registering authority thereof on form CNV as shown in Schedule 2, as the case may be, and such notification shall be accompanied by a South African Police Service clearance in respect of such vehicle.

[Subreg. (1) substituted by Gen N 2116/2001 and amended by GN R1066/2005]

(2) On receipt of a notification referred to in subregulation (1), the registering authority shall-

(a) update the particulars pertaining to such motor vehicle in the register of motor vehicles; and

(b) acknowledge receipt of such notification on form ARN as shown in Schedule 2.

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

[Subreg. (3) inserted by GN R1341/2003]

66. Manner in which mass measuring certificate to be obtained

(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 therefore at his or her own expense from a person in charge of a mass measuring apparatus approved by a registering authority.

[Subreg. (1) substituted by GN R1066/2005]

(2) The tare of a motor vehicle referred to in subregulation (1), shall be determined in the presence of a person nominated by the registering authority referred to in subregulation (1).

(3) A mass measuring certificate issued under this regulation shall contain the following information:

(a) The chassis number expressed in not more than 17 alpha-numerical characters;

(b) the licence number of the motor vehicle, if applicable;

(c) a general description of the motor vehicle;

(d) the tare of the motor vehicle expressed in kilograms in not more than 5 figures;

(e) the name and address of the body that operates the mass measuring equipment;

(f) the name and identity number of the person referred to in subregulation (2);

(g) the date on which the motor vehicle was weighed; and

(h) the name of the registering authority that approved the mass measuring equipment as contemplated in subregulation (1).

[Reg. 66 substituted by Gen N 2116/2001]

67. Manufacturer, builder or importer to provide certificate

A manufacturer, builder or importer, as the case may be, shall, when disposing of a motor vehicle manufactured, built or imported by him or her, furnish the new title holder of such motor vehicle with the certificate referred to in regulation 8(2)(e).

68. Registration certificate to be submitted by owner and title holder under certain circumstances

(1) Notwithstanding the provisions of regulation 52(3), the owner of a motor vehicle shall, if in possession of a registration certificate issued under road traffic legislation previously applicable, hand over such certificate to the appropriate registering authority or new title holder, as the case may be.

(2) Notwithstanding the provisions of regulations 54(3)(b) and 55(2)(b), if the owner is in possession of the registration certificate concerned issued under road traffic legislation previously applicable, he or she shall submit such certificate to the title holder.

Part I

Motor Trade Numbers

69. Motor vehicles may be operated under motor trade number under certain circumstances

(1) Notwithstanding any provisions to the contrary contained in this Chapter, a manufacturer, builder or importer, which is registered, a motor transport contractor or motor dealer, may operate a motor vehicle which may not otherwise be operated on a public road, on a public road under a motor trade number issued in terms of this Part for the purposes of-

(a) delivery of such motor vehicle by a motor transport contractor, in the course of his or her business;

(b) delivery, sale, exchange, repair or building of a permanent structure on such motor vehicle by a motor dealer;

(c) delivery or testing by the manufacturer or builder of such motor vehicle; or

(d) delivery of such motor vehicle by an importer; or

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

[Para. (e) added by GN R1341/2003 and substituted by GN R881/2004]

(2) A person who is a bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), and who is a credit grantor in respect of a motor vehicle which-

(a) is subject to an instalment sale transaction, or a leasing transaction; and

(b) it desires to operate on a public road for the purpose of repossessing such motor vehicle, may, if such motor vehicle may not otherwise be so operated, operate such motor vehicle on a public road under a motor trade number issued in terms of this Part.

(3) No person shall operate a motor vehicle under a motor trade number, except for the purposes referred to in this regulation.

70. Manner of application for motor trade number

(1) An application for a motor trade number shall be made to the appropriate registering authority on form MTN1 as shown in Schedule 2, and shall be accompanied by-

(a) acceptable identification of the applicant and, if the applicant is a body of persons, that of its proxy and representative and a letter of proxy; and

(b) the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.

(2) The applicant referred to in subregulation (1), shall indicate the number of motor trade numbers he or she desires to be issued with, and the purpose for which he or she desires to be issued with such motor trade numbers.

71. Motor trade number system

(1) The MEC concerned may, subject to subregulation (2), by notice in the Provincial *Gazette* establish a motor trade number system for the province concerned.

(2) A motor trade number system established in terms of subregulation (1), shall consist of-

(a) the letter “A” followed by two letters, three figures and the licence mark of the province concerned as contemplated in regulation 27(1); or

(b) three or four figures followed by the licence mark of the registering authority as contemplated in regulation 27(2)(a)(i), but shall not consist of vowels, except the letter was referred to in paragraph (a), or the letter “Q”.

72. Manner of issue of motor trade number

(1) On receipt of the application for a motor trade number, the registering authority-

(a) shall satisfy itself that the applicant is entitled to be issued with a motor trade number; and

(b) may, and if the applicant so requires, shall, issue an assessment showing the penalties and fees payable in terms of regulation 70(1)(b), for the issue of a motor trade number.

(2) On submission of the amount referred to in subregulation (1), the registering authority shall, subject to the provisions of regulation 59(2), and if satisfied that the application is in order-

(a) record the particulars in relation to the applicant in the register of motor trade numbers;

(b) issue on form MTN2 as shown in Schedule 2, on the conditions as such registering authority may deem expedient, as many motor trade number registration certificates as applied for; and

(c) if the application is refused, notify the applicant accordingly.

73. Motor trade number to be licensed

Every motor trade number issued in terms of regulation 72, shall be licensed by the holder of such motor trade number in accordance with the provisions of this Part, with the appropriate registering authority.

74. Date on which motor trade number to be licensed

(1) Liability for the licensing of a motor trade number referred to in regulation 73, shall arise on-

(a) the date of issue of the motor trade number registration certificate referred to in regulation 72; or

(b) the first day of the month following the date, of expiry, of the licence of the motor trade number in terms of regulation 77.

(2) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date alleged to be the date referred to in

subregulation (1) shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the said subregulation.

75. Manner of application for a motor trade number licence

(1) An application-

(a) for the licensing of a motor trade number shall be made by the holder of such motor trade number, simultaneously with and on the same form as the application for a motor trade number referred to in regulation 70(1); or

(b) for a new motor trade number licence shall be made by the holder of such motor trade number licence within 21 days after the date of liability referred to in regulation 74(1)(b) on the form referred to in regulation 70(1).

(2) The application referred to in subregulation (1) shall be accompanied by the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.

76. Manner of licensing of motor trade number

(1) On receipt of the application for the licensing of a motor trade number the registering authority may, and if the applicant so requires, shall, issue an assessment showing the appropriate fees as determined by the MEC of the province concerned and if applicable the penalties and arrear fees referred to in regulations 57 and 59 for the licensing of the motor trade number concerned.

(2) The registering authority shall, subject to the provisions of regulation 59(2), upon payment of the fees and penalties referred to in subregulation (1), and if satisfied that the application is in order-

(a) licence the motor trade number;

(b) update the particulars in relation to the motor trade number concerned in the register of motor trade numbers;

(c) issue a motor trade number licence on form MTN3 as shown in Schedule 2; and

(d) as proof of the possession of such motor trade number licence, subject to the provisions of regulation 78(5), issue a motor trade number licence disc on form MTN3 as shown in Schedule 2, which shall be completed in black non-fading ink.

77. Period of validity of motor trade number licence and motor trade number licence disc

(1) Subject to subregulation (2), a motor trade number licence and motor trade number licence disc shall be valid for a period of 12 months from the first day of the month in which such licence or disc was issued and the date of expiry of such motor trade number licence shall be shown on the motor trade number licence and such licence disc.

(2) If the holder of such motor trade number applies for a new motor trade number licence and motor trade number licence disc as contemplated in regulation 75(1)(b) before the expiry date of the current licence and licence disc, the period of validity of the new licence and licence disc shall be calculated from the first day of the month which follows on the expiry date of the current licence and licence disc.

78. Motor trade number licence assessment

(1) If the MEC concerned deems it expedient, he or she may forward a motor trade number licence assessment to the postal address of the holder of a motor trade number, on form MVL2 as shown in Schedule 2, for a new motor trade number licence.

(2) For the purpose of an application for a new motor trade number licence upon receipt of the motor trade number licence assessment, the holder shall submit such assessment together with the appropriate fees as determined by the MEC of the province concerned and penalties and arrear fees referred to in regulations 57 and 59, to the appropriate registering authority and such submission shall serve as an application for a new motor trade number licence.

(3) The registering authority shall, on submission of the appropriate fees and penalties and arrear fees referred to in subregulation (2), and if the application is in order, licence the motor trade number in the manner contemplated in regulation 76(2).

(4) If the holder did not receive the motor trade number licence assessment referred to in subregulation (1), such holder shall apply for a new motor trade number licence in the manner contemplated in regulation 75(1)(b).

(5) If a motor trade number is required to be licensed in terms of the provisions of this Part and an application for the licensing of such, motor trade number is not received within three months from the date of expiry referred to in regulation 77, the registering authority shall cancel such motor trade number.

(6) The cancellation of a motor trade number in terms of subregulation (5), shall not exempt the holder of such motor trade number from the liability for the payment of the penalties and arrear licence fees referred to in regulations 57 and 59.

79. Procedure for change of particulars of holder of motor trade number

(1) If the postal or street address, the proxy or the representative of the holder of a motor trade number changes, such holder shall, within a period of 21 days after such change, notify the appropriate registering authority of such change on form NCP or MTN1 as shown in Schedule 2.

(2) If the name or identification number as reflected in the acceptable identification of the holder of a motor trade number changes, such holder shall within 21 days from such change-

(a) notify the appropriate registering authority of such change on form MTN1 or NCP as shown in Schedule 2;

[Para. (a) amended by GN R1066/2005]

(b) submit the new acceptable identification; and

(c) submit every motor trade number registration certificate issued to him or her.

(3) Where the proxy or representative of the holder of a motor trade number changes, the notice referred to in subregulation (1) shall be accompanied by the acceptable identification of the new proxy or representative and a new letter of proxy.

(4) On receipt of the notification referred to in subregulation (1) or (2), the registering authority shall

(a) ensure that such notification is in order;

(b) update the particulars in relation to the person or body of persons concerned in the register of motor trade numbers;

(c) …….

[Para. (c) deleted by GN R1066/2005]

(d) in the case of a notification in terms of subregulation (2), issue a new motor trade number registration certificate to the holder upon payment of the appropriate fees for the issue of a duplicate document as determined by the MEC of the province concerned.

(5) If a motor trade number is held by a partnership and one of the partners dies or ceases to be a partner of such partnership or a new partner is admitted thereto, or if a person obtains from the estate of a deceased spouse the business of a-

(a) motor transport contractor;

(b) manufacturer;

(c) builder;

(d) importer;

(e) motor dealer; or

(f) bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), and a motor trade number is in force in respect of such partnership or business, every such motor trade number shall, notwithstanding any provisions to the contrary contained in this Part, remain in force for the unexpired period of the motor trade number licence concerned, in respect of such partnership or business and that partnership or new owner of the business shall be deemed to be the holder of the motor trade number.

80. Cancellation of motor trade number

(1) Whenever the holder of a motor trade number has, in the opinion of the MEC concerned, contravened a provision of this Chapter in the course of carrying on

the business of a motor transport contractor, manufacturer, builder, importer, motor dealer or bank, as defined in the Banks Act, 1990 (Act No. 94 of 1990), as the case may be, such MEC may cancel such number.

(2) If a motor trade number referred to in subregulation (1) has been cancelled, the holder of such number shall forthwith surrender the motor trade number registration certificate, motor trade number licence, motor trade number licence disc and the plate referred to in regulation 82 to the appropriate registering authority for the defacement of such registration certificate and such licence and the destruction of such licence disc.

(3) If -

(a) the holder of a motor trade number no longer requires such number; or

(b) the holder of a motor trade number ceases to carry on the business referred to in subregulation (1), such holder shall forthwith apply to the appropriate registering authority on form MTN1 as shown in Schedule 2, for the cancellation of such motor trade number and such application shall be accompanied by the relevant motor trade number registration certificate, motor trade number licence, motor trade number licence disc and the plate, referred to in regulation 82.

(4) On receipt of the application referred to in subregulation (3), the registering authority shall

(a) cancel the motor trade number;

(b) deface the motor trade number registration certificate and the motor trade number licence;

(c) destroy the motor trade number licence disc; and

(d) update the particulars pertaining to the motor trade number in the register of motor trade numbers accordingly.

81. Number issued in prescribed territory

A number which has a similar purpose to that of a motor trade number, and which is issued in a prescribed territory in accordance with-the laws of such territory, shall be

deemed to be a motor trade number for the purposes of this Part when such number is displayed on a motor vehicle which is operated on a public road in the Republic for the period for which and subject to the conditions under which it was issued.

82. Display of motor trade number and motor trade number licence disc

(1) A motor trade number shall be displayed on a plate referred to in regulation 35 and in accordance with the provisions of that regulation: Provided that a motor vehicle other than a motor cycle, motor tricycle, motor quadrucycle or trailer, shall be equipped with only one such number plate to the rear of the motor vehicle, and such plate shall-

(a) if such motor vehicle has a rear window, be displayed on the inside of such window in an upright position so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle; or

(b) if such motor vehicle has no such rear window or the rear window is too small to display such motor trade number, on the back of such motor vehicle in an upright position and so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle.

(2) A motor trade number licence disc issued in terms of regulation 76 shall be affixed to the inside of the transparent front of a durable watertight holder.

(3) The watertight holder referred to in subregulation (2), shall be attached to the motor trade number plate so that the print on the face of the motor trade number licence disc is clearly legible as contemplated in subregulation (1).

(4) No motor trade number shall be permanently affixed to any motor vehicle.

83. Right of appeal to MEC

(1) Any person who is aggrieved at the refusal of a registering authority to issue a motor trade number to him or her may, within 21 days after the date of such refusal, in writing appeal against such refusal to the MEC concerned and such person shall at the same time serve a copy of such appeal on the registering authority concerned.

(2) After receipt of the copy of the appeal referred to in subregulation (1), the registering authority concerned, shall forthwith furnish the MEC concerned with reasons for the refusal to which such appeal relates.

(3) For the purpose of deciding an appeal referred to in subregulation (1), the MEC concerned may require each party to the appeal, to furnish the information and evidence as he or she may deem necessary.

(4) The MEC may, after considering the appeal, give such decision as he or she may deem fit.

Part II

Temporary and special permits

84. Circumstances in which motor vehicle may be operated on public road under temporary or special permit

(1) A person who desires to operate on a public road a motor vehicle which has not been registered and licensed or not licenced, and may not otherwise be so operated, may-

(a) if he or she is the owner of such motor vehicle, obtain a temporary permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed, if such motor vehicle is to be-

(i) delivered by or to such owner, who is a motor dealer; or

(ii) registered and licensed in terms of this Chapter, but only during the period permitted for such registration and licensing; or

(b) obtain a special permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed for purposes of-

(i) testing such motor vehicle;

(ii) proceeding to or returning from a place where repairs are to be or have been effected to such motor vehicle;

(iii) reaching an examiner of vehicles or mass measuring apparatus; or

(iv) repossessing such motor vehicle, as contemplated in regulation 69(2).

[Subreg. (1) amended by GN R1341/2003]

(2) A temporary permit-

(a) shall not be issued in respect of a motor vehicle referred to in regulation 138(1) unless a certification of roadworthiness in respect of such motor vehicle is submitted; or

(b) which is blank, may only be issued to a motor dealer.

(3) The owner of a motor vehicle which is licensed and who cannot comply forthwith with the provisions of regulation 35 or 36, may obtain a temporary permit in order to operate the motor vehicle on a public road.

(4) A special permit shall not authorise the holder of such permit to convey persons or goods in the motor vehicle concerned.

85. Manner of application for temporary or special permit

(1) If a motor dealer requires a series of blank temporary permits, he or she shall apply to the appropriate registering authority, on form MTN1 as shown in Schedule 2.

(2) If a temporary or special permit is required for a motor vehicle, the application for such permit shall be made to the appropriate registering authority on form TSP1 as shown in Schedule 2: Provided that if a motor vehicle is obtained from a motor dealer, the owner of such motor vehicle may obtain a temporary permit from such motor dealer.

[Subreg. (2) amended by GN R1066/2005]

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

(a) the acceptable identification of the applicant, and, if the 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 and if applicable, the penalties and arrear fees referred to in regulations 57 and 59; and

(c) in the case of motor vehicles referred to in regulation 84(2)(a), certification of roadworthiness.

86. Temporary or special permit number system

(1) The MEC concerned may, subject to subregulation (2), by notice in the Provincial *Gazette* establish a temporary or special permit number system for the province concerned.

(2) A temporary or special permit number system established in terms of subregulation (1) shall consist of

(a) the letter "E", followed by two letters, three figures and the licence, mark of the province concerned as contemplated in regulation 27(1); or

(b) the licence mark of the registering authority concerned as contemplated in regulation 27(2)(a)(i), followed by four or five figures and the letter "P",

but shall not include vowels, except for the letter "E" as contemplated in paragraph (a), or the letter "Q".

87. Manner of issue of temporary or special permit

(1) On receipt of the application referred to in regulation 85(1) or (2), the registering authority may, and if the applicant so requires, shall issue an assessment showing the appropriate fees as determined by the MEC of the province concerned and if applicable, the penalties and arrear fees referred to in regulations 57 and 59.

(2) On submission of the assessment and upon payment of the fees and penalties referred to in subregulation (1), the registering authority shall, subject to the provisions of regulation 59(2), and if satisfied that the application is in order

(a) record the particulars pertaining to -

(i) the applicant; and

(ii) if applicable, the date, number and place of issue of a certification of roadworthiness, referred to in regulation 85(3)(c); in the register of motor vehicles; and

(b) issue a series of blank temporary permits or a duly completed temporary or special permit, as the case may be, on form TP or SP as shown in Schedule 2.

[Para. (b) amended by GN R1066/2005]

(3) The motor dealer referred to in regulation 85(2) shall -

(a) upon payment of the appropriate fees referred to in regulation 85(3)(b), complete the temporary permit and counterfoil on form TP as shown in Schedule 2;

[Para. (a) amended by GN R1066/2005]

(b) issue the temporary permit to the owner of the motor vehicle concerned and retain the counterfoil; and

(c) if applicable, record the date, number and place of issue of a certification of roadworthiness, referred to in regulation 85(3)(c) on the counterfoil.

(4) A permit issued in respect of a motor vehicle in a prescribed territory in terms of any law relating to motor vehicles in force in that territory and serving the same purpose as a temporary or special permit shall, if the provisions of the law of such prescribed territory relating to the operation of a motor vehicle on a public road under such permit, is complied with, shall be deemed to be a temporary or special permit, whichever the case may be, issued under this Part for the period for which and subject to the conditions under which it was issued.

(5) No motor dealer shall issue a temporary permit which has not been issued to such motor dealer in terms of subregulation (2)(b), or issue more than one permit to the same person in respect of the same motor vehicle.

(6) A registering authority may, at any time after reasonable notice to a motor dealer, order that all unused temporary permits be returned, or the said dealer may return such permits, without any amount being refundable.

88. Period of validity of temporary and special permit

(1) The date of commencement and the date of expiry of a temporary permit and special permit, as the case may be, shall be recorded on such permit and such a permit shall be valid-

(a) in the case of a temporary permit, for a period of 21 days, calculated-

(i) in respect of a motor vehicle which is licensed and in respect to which the owner cannot comply forthwith with the provisions of regulation 35 or 36, from the date of issue of such temporary permit; or

(ii) for any other motor vehicle, from the date on which liability for the licensing of such motor vehicle arises; or

(b) in the case of a special permit, for a period of three days calculated from the date specified by the applicant in the application form: Provided that such date shall not be more than seven days after the date on which the application is made.

(2) The provisions of subregulation (1) shall not apply to blank temporary permits issued to a motor dealer in terms of regulation 87(2)(b).

89. Display of temporary or special permit

(1) A permit issued in respect of a motor vehicle in terms of regulation 87(2)(b) or 87(3)(b), shall be displayed-

(a) if such motor vehicle has a rear window, on the inside of such window in the lower left-hand corner when viewed from the rear of the motor vehicle, so that the inscription thereon is legible through the glass; or

(b) if such motor vehicle does not have a rear window, on the rear of the motor vehicle in a conspicuous place.

(2) No person shall operate on a public road a motor vehicle on which is displayed a temporary or special permit or anything purporting to be such a permit, which is not applicable to such motor vehicle.

(3) No person shall operate on a public road a motor vehicle on which a temporary or special permit is displayed which is in any way obscured or has become illegible, except if such permit is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.

90. Duty of motor dealer in respect of temporary permit

A motor dealer shall-

(a) in respect of every temporary permit issued by him or her to an applicant in terms of regulation 87(3)(b), keep a record by means of the completed counterfoil in order to ascertain the name and address of the applicant, as well as, if applicable, to ascertain the date, number and place of issue of a certification of roadworthiness; and

(b) within 14 days after the date of issue of the tenth permit in a book, return to the appropriate registering authority every book of 10 counterfoils so completed.

Part I
Driving licence testing centres

91. Manner of application for registration of driving licence testing centre and identification of management representative and examiners for driving licences

(1) An application forthe registration of a driving licence testing centre in terms of section 8 of the Act shall be made on form DTC as shown in Schedule 2, and a management representative and the examiners for driving licences shall be identified on such form in respect of the driving licence testing centre concerned.

(2) An application referred to in subregulation (1) shall be accompanied by acceptable identification of the driving licence testing centre concerned, the management representative, and the examiners for driving licences identified under subregulation (1).

[Reg. 91 substituted by Gen N 2116/2001]

92. Requirements for registration as driving licence testing centre

The requirements for registration as a driving licence testing centre shall be as specified in the manual of the Department "Minimum Requirements for Registration and Grading of Driving Licence Testing Centres" published by the Minister by notice in the *Gazette*.

93. Manner of registration of driving licence testing centre

(1) The MEC shall, upon receipt of an application made in terms of regulation 91 -

(a) require the inspectorate of driving licence testing centres to-

(i) evaluate the testing centre concerned according to the requirements referred to in regulation 92; and

(ii) recommend the appropriate grading thereof in terms of regulation 95; and

(b) with due regard to the evaluation and recommendations of the inspectorate of driving licence testing centres, satisfy himself or herself that the testing centre concerned complies with the requirements referred to in regulation 92.

(2) (a) If the MEC is satisfied in terms of subregulation (1)(b), he or she shall-

(i) grade such testing centre in terms of regulation 95;

(ii) record the particulars of such testing centre on the register of driving licence testing centres referred to in regulation 331(4)(a)(ii); and

(iii) issue to such applicant a certificate of registration on form CRF as shown in Schedule 2.

[Subpara. (iii) amended by GN R1066/2005]

(b) If the MEC is not satisfied that the testing centre concerned complies with the requirements referred to in regulation 92, he or she shall refuse to register such testing centre and shall notify the applicant accordingly.

94. Change of registration particulars

(1) The management representative identified in terms of regulation 91 shall upon the change of any of the particulars submitted in terms of regulation 91, within 14 days after such change, notify the MEC and inspectorate of driving licence testing centres of such change on form DTC as shown in Schedule 2.

[Subreg. (1) amended by GN R1341/2003]

(2) The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of driving licence testing centres referred to in regulation 331(4)(a)(ii) accordingly.

95. Grades of driving licence testing centres

(1) The MEC shall, with due regard to the evaluation and recommendation of the inspectorate of driving licence testing centres, grade a driving licence testing centre as grade A, B, C, D, E or F, as the case may be, it such driving licence testing centre complies with the appropriate grading requirements as referred to in regulation 92.

(2) A driving licence testing centre, which is graded in terms of subregulation (1)-

(a) as a grade A driving licence testing centre, is authorised to examine and test a person for a learner's licence of any code or driving licence of any code;

(b) as a grade B driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the codes B, EB, C1, C, EC1 and EC;

(c) as a grade C driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the codes A1, A and B;

(d) as a grade D driving licence testing centre, shall be authorised to examine and test a person for a learner's licence of any code or driving licence of the code B;

(e) as a grade E driving licence testing centre, is authorised to examine and test a person for a learner's licence of any code; or

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

[Para. (f) substituted by GN R881/2004]

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

[Para. (g) substituted by GN R881/2004]

96. Manner of suspension or cancellation of registration of driving licence testing centre

(1) The MEC shall upon being notified that a registered driving licence testing centre does not comply with the provisions of regulation 92, or upon a recommendation as contemplated in regulation 97(1)(e), immediately request the inspectorate of driving licence testing centres to investigate such driving licence testing centre.

(2) The MEC shall, in considering the suspension or cancellation of the registration of a driving licence testing centre-

(a) notify the management representative identified in terms of regulation 91 (1), of the failure of such driving licence testing centre to comply with the requirements of regulation 92; and

(b) demand from such management representative 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 is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the management representative and may-

(a) suspend; or

(b) cancel, the registration of such driving licence testing centre.

(4) If the MEC suspends or cancels the registration of a driving licence testing centre, he or she shall-

(a) notify such driving licence testing centre of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and

(b) give notice in the Provincial *Gazette* of the suspension or cancellation referred to in paragraph (a).

(5) The management representative of a driving licence testing centre, the registration of which has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC-

(a) the certificate of registration referred to in regulation 93(2)(a)(iii) issued in respect of such driving licence testing centre;

(b) any documents held but not issued by such driving licence testing centre; and

(c) a reconciliation of forms held and issued, and blank forms.

97. Powers and duties of inspectorate of driving licence testing centres

(1) The inspectorate of driving licence testing centres-

(a) shall, in terms of regulation 93(1)(a), evaluate the driving licence testing centre concerned in accordance with the requirements referred to in regulation 92, and recommend to the MEC-

(i) the suitability of such centre to be registered as a driving licence testing centre; and

(ii) the grading of such centre;

(b) shall, in respect of every registered driving licence testing centre, conduct at least one inspection per year to monitor the standards applied at such centre;

(c) shall advise any driving licence testing centre on the improvement and maintenance of testing facilities and procedures at such centre, if deemed necessary;

(d) shall, when necessary, recommend to the MEC the suspension or cancellation of the registration of an examiner for driving licences; and

(e) shall, when necessary, recommend to the MEC to suspend, degrade or cancel the registration of a driving licence testing centre.

(2) A person who acts on behalf of the inspectorate of driving licence testing centres, may at any reasonable time, with regard to the requirements referred to in regulation 92, without prior notice-

(a) enter the premises of any driving licence testing centre;

(b) inspect any records of the driving licence testing centre;

(c) question any person with regard to any matter relating to the operation of the driving licence testing centre referred to in paragraph (a); and

(d) accompany an examiner for driving licences in any motor vehicle when such examiner is examining or testing a person for a driving licence for the purpose of evaluation of the said examiner.

(Reg. 97 not yet in operation)

98. …….

[Reg. 98 substituted by GN R1341/2003 and repealed by GN R881/2004]

Part II

Learner's and driving licences

99. Categories of learner's and driving licences, classes of motor vehicles relating to each category of such licences and the authority conveyed by such licences

(1) The categories of learner's licences and the classes of motor vehicles pertaining to each
code of learner's licence are:

(a) Code 1: Motor cycle with or without side-car, motor tricycle or quadrucycle;

(b) Code 2: Motor vehicle, other than a motor cycle, tricycle or quadrucycle, the
tare of which does not exceed 3 500 kilograms, a minibus, 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 or drawing vehicle does not exceed 3 500 kilograms, or a tractor; and

(c) Code 3: Any motor vehicle or combination of motor vehicles other than a
motor cycle, tricycle or quadrucycle.

[Para. (c) substituted by Gen N 2116/2001]

(2) (a) The holder of a learner's licence shall, except where such licence relates to a motor vehicle having no seating accommodation for a passenger or to a motor cycle, when driving the vehicle concerned, be accompanied in or on that vehicle by, and be under the direct personal supervision of a person seated next to him or her, or immediately behind him or her, where such person cannot be seated next to him or her, and who is in possession of a licence, other than a learner's or similar licence, authorising him or her to drive that class of motor vehicle.

(b) A learner's licence in respect of a motor cycle shall not authorise the holder of it to drive a motor cycle on a public road while carrying another person.

(c) A learner's licence shall not authorise the driving of a motor vehicle while carrying persons for reward, other than a person accompanying the holder of a learner's licence in terms of paragraph (a).

(3) A learner's licence with the code mentioned in the first column of the table below issued before 1 March 1998, shall be regarded as a learner's licence with the code mentioned against it in the second column of the table:

CODE OF LEARNER'S LICENCE ISSUED BEFORE 1 MARCH 1998	**NEW CODE LEARNER'S LICENCE**
Code 01, 02, 03, 04 and 15 or a code 12 for aforementioned codes	Code 1
Code 05, 06, 07, 08 or a code 12 for aforementioned codes	Code 2
Code 10, 11, 13 and 14 or a code 12 for aforementioned codes	Code 3

(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:

CODE	**CLASS OF MOTOR VEHICLE**	**AUTHORISATION**
A1	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- (i) any vehicle propelled by electrical power derived from storage batteries and which is pedestrian controlled; or (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.	Includes authorisation to drive- (i) (aa) a motor cycle with a side-car; (bb) a motor tricycle; (cc) a motor quadrucycle, which has an engine with a cylinder capacity not exceeding 125 cubic centimetres; and (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.
A	A motor cycle without a side-car which has an engine with a cylinder capacity exceeding 125 cubic centimetres.	Includes authorisation to drive- (i) a motor cycle with a side-car; (ii) a motor tricycle; (iii) a motor quadrucycle; and (iv) any other motor vehicle for which a code AI driving licence is required.
B	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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- (i) a motor vehicle the tare of which does not exceed 3 500 kilograms; or (ii) a minibus, a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms, with or without a	Includes authorisation to drive- (i) a tractor; and (ii) a motor vehicle which is a type of mobile agricultural or industrial equipment or machinery not designed principally for the conveyance

	trailer, the gross vehicle mass of which does not exceed 750 kilograms, but does not include an articulated motor vehicle.	of persons or goods, with or without a trailer.
C1	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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- (i) a motor vehicle, the tare of which exceeds 3 500 kilograms but does not exceed 16 000 kilograms; or (ii) a minibus, a bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms but does not exceed 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.	Includes authorisation to drive any motor vehicle for which a code B driving licence is required.
C	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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.	Includes authorisation to drive any motor vehicle for which a code B or CI driving licence is required.
EB	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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- (i) an articulated motor vehicle, of which the gross combination	Includes authorisation to drive any motor vehicle for which a code B driving licence is required.

	mass of the truck-tractor does not exceed 3 500 kilograms; (ii) a combination of- (aa) a motor vehicle the tare of which does not exceed 3 500 kg; or (bb) a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms, with a trailer the gross vehicle mass of which exceeds 750 kilograms.	
EC1	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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- (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; (ii) a combination of- (aa) a motor vehicle the tare of which exceeds 3 500 kg but does not exceed 16 000 kg; or (bb) a minibus, 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.	Includes authorisation to drive any motor vehicle for which a code B, Cl or EB driving licence is required.
EC	A motor vehicle, excluding a motor cycle, motor tricycle, motor quadrucycle, 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-	Includes authorisation to drive any motor vehicle for which a code B, Cl, C, EB or EC1 driving licence is required.

	(i) an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 16 000 kilograms; (ii) a combination of a bus -or goods vehicle, the gross vehicle mass of which exceeds 16 000 kilograms, with a trailer the gross vehicle mass of which exceeds 750 kilograms.	

(b) The holder of a driving licence of the code mentioned in the table below, which was issued before 1 March 1998, as contemplated in section 19 or 20 of the Act (hereinafter referred to as the "old licence"), shall, subject to paragraph (bA), upon application in terms of regulation 111 or 112, respectively, be issued in terms of regulation 108 with a driving licence (hereinafter referred to as the "new licence") of the code mentioned against the old licence in the first column of the table below.

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

LICENCE CODES	**LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01**	**LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31**	**LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01**	**LICENCE ISSUED BEFORE 1967/01/01**
A1	Code 01: A motor	Code 01: A motor	A motor	Motor	Motor	Motor

implex

	cycle with or without side-car, motor tricycle or motor quadrucycle, which has an engine with a cylinder capacity not exceeding 125 cm^3 or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle" contained in section 1 of the Act.	cycle without side-car which has an engine with a cylinder capacity not exceeding 50 cm^3 or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle" contained in section 1 of the Act.	cycle without side-car which has an engine with a cylinder capacity not exceeding 50 cm^3 or which is propelled by electrical power, or which is a vehicle as contemplated in paragraph (b) of the definition of "motor vehicle" contained in section 1 of the Road Traffic Ordinance and generally known as "code 01".	cycle without sidecar which has an engine with a cylinder capacity not exceeding 50 cm^3 and generally known as "code 01".	cycle without side-car with an engine of which the cylinder capacity does not exceed 50 cm^3 and generally known as "code 01".	cycle without side-car with an engine of which the cylinder capacity does not exceed 50 cm^3 and generally known as "code 01".
A	Code 15: A motor cycle with or without side-car, motor tricycle or motor quadrucycle, which has an engine with a cylinder capacity exceeding 125 CM^3.	(i) Code 02: A motor cycle without side-car which has an engine with a cylinder capacity exceeding 50 cm3 and not exceeding 250 cm^3; (ii) code 15: A motor	(i) A motor cycle without side car which has an engine with a cylinder capacity exceeding 50 cm^3 and generally	(i) A motor cycle without side car which has an engine with a cylinder capacity exceeding 50 cm^3	(i) A motor cycle without side-car with an engine of which the cylinder capacity exceeds 50 cm^3, generally	(i) A motor cycle without side-car with an engine of which the cylinder capacity exceeds

		cycle without side car which has an engine with a cylinder capacity exceeding 250 cm^3; (iii) code 03: A motor cycle with side-car; and (iv) code 04: A motor tricycle or a motor quadrucycle.	known as "code 02"; (ii) a motor cycle with side-car and generally known as "code 03"; and (iii) a motor tricycle, generally known as "code 04".	and generally known as "code 02"; (ii) a motor cycle with side-car and generally known as "code 03"; and (iii) a motor tricycle, generally known as "code 04".	known as "code 02"; and (ii) a motor cycle with side car and a motor tricycle, generally known as "code 03".	50 cm^3, generally known as "code 02"; and (ii) a motor cycle with side car and a motor tricycle, generally known as "code 03".

LICENCE CODES	**LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01**	**LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31**	**LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01**	**LICENC ISSUED BEFORI 1967/01/**
B	(i) Code 05: A tractor; (ii) code 06: A motor vehicle which	(i) Code 05: A tractor; (ii) code 06: A motor	(i) A tractor which is not propelled by	(i) A tractor which is not propelled by	(i) A motor vehicle being a type of mobile	(i) er-prope vehicles

	is propelled by electrical power and is of a class as contemplated in code 07 as referred to item (iii); (iii) code 07: 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, the type of which is specified in the driving licence; and (iv) code 12: A motor vehicle of a class as contemplated in code 05 or code 07 as referred to item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.	vehicle which is propelled by electrical power and is of a class as contemplated in code 07 as referred to item (iii); (iii) code 07: 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, the type of which is specified in the driving licence; and (iv) code 12: A motor vehicle of a class as contemplated in code 05 or code 07 as referred to item (i) or (iii), whatever the case may be, which is specially adapted,	electrical power and generally known as “code 05”; (ii) a motor vehicle which is propelled by electrical power and is of a class as contemplated in item (iii), and generally known as “code 06”; (iii) 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, the type of which is specified in the driving licence and generally known as “code 07”;	electrical power and generally known as “code 5”; (ii) a motor vehicle propelled by electrical power of a class as contemplated in item (iii) and generally known as “code 06”; (iii) a motor vehicle, being a type of mobile agricultural or industrial equipment or machinery, which is not designed principally for the conveyance of persons or goods, and the type of which is specified in the driving licence and generally	agricultural or industrial equipment or machinery which is not designed principally for the conveyance of persons or goods, the type of which is specified in the driving licence; and (ii) a motor vehicle of a class as contemplated in item (i) which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.	machine including motor vehicles propelle electrica steam p and (ii) motor ve of a clas contemp in item which is specia adapted construc or equippe use b physical disabled person generall known as “code

		constructed or equipped for use by a physically disabled person.	and (iv) code 12: A motor vehicle of a class as contemplated in item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.	known as "code 07"; and (iv) code 12: A motor vehicle of a class as contemplated in item (i) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.		

LICENCE CODES	**LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01**	**LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31**	**LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01**	**LICENC ISSUED BEFORI 1967/01/**
EB	(i) Code 06:	(i) Code 06:	(i) A	(i) A	(i) A	(i)

	A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 08 as referred to in item (ii); (ii) code 08: A light motor vehicle, being - (aa) a motor vehicle, the tare of which does not exceed 3 500 kg; (bb) a minibus, bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or (cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg; and (iii) code 12: A motor vehicle of a class as contemplated in code 08 as referred to in item (ii), which is specially adapted, constructed or	A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 08 as referred to in item (ii); (ii) code 08: A light motor vehicle, being - (aa) a motor vehicle, the tare of which does not exceed 3 500 kg; (bb) a minibus, bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or (cc) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kg; and (iii) code 12: A motor vehicle of a class as contemplated in code 08 as referred to in item (ii), which is	motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”; (ii) a light motor vehicle, being - (aa) a motor vehicle, the tare of which does not exceed 3 500 kg; (bb) a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or (cc) an articulated motor vehicle, the gross combination mass of which	motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”; (ii) a light motor vehicle, being - (aa) a motor vehicle, the tare of which does not exceed 3 500 kg; (bb) a bus or a goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; or (cc) an articulated motor vehicle, the gross combination mass of which	motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as “code 06”; (ii) a light motor vehicle being - (aa)a motor vehicle, the tare of which does not exceed 7 700 lbs; (bb)a bus or a goods vehicle, the gross vehicle mass of which does not exceed 7 700 lbs, generally known as “code 08”; and (iii) a motor	motor ve which is propelle electrica power and is class as contemp in item (i generall known as “code (ii) light mot vehicle a motor ve or combina of motor vehicles or g vehicles the vehicle mass or combina mass which does exceed 7 700 lbs generall known as “code and (iii) a vehicle

	equipped for use by a physically disabled person.	specially adapted, constructed or equipped for use by a physically disabled person.	does not exceed 3 500 kg, generally known as "code 08"; and (iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".	does not exceed 3 500 kg, generally known as "code 08"; and (iii) a motor vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".	vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 17.	class contemp in item which is specia adapted construc or equippe use by physical disabled person, generall known as "code

LICENCE CODES	LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995	LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT	LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01	LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31	LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01	LICENCE ISSUED BEFORE 1967/01/0

		ACT, 1995				
EC1	(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 10 as referred to in item (ii); (ii) code 10: A heavy motor vehicle, being - (aa) a motor vehicle, the tare of which exceeds 3 500 kg but does not exceed 16 000 kg; (bb) a minibus or a bus the gross vehicle mass of which exceeds 3 500 kg; or (cc) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 16 000 kg, but does not include an articulated motor vehicle; and (iii) code 12: A motor vehicle of a	(i) Code 06: A motor vehicle which is propelled by electrical power and is of a class as contemplated in code 10 as referred to in item (ii); (ii) code 10: A heavy motor vehicle, being (aa) a motor vehicle, the tare of which exceeds 3 500 kg but does not exceed 16 000 kg; (bb) a minibus or a bus the gross vehicle mass of which exceeds 3 500 kg; or (cc) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 16 000 kg, but does not include an articulated motor vehicle; and (iii) code 12: A motor	(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as "code 06"; (ii) a heavy motor vehicle, excluding an articulated motor vehicle, being - (aa) a motor vehicle of which the tare does not exceed 16 000 kg; or (bb) a goods vehicle of which the gross vehicle mass does not exceed 16 000 kg, generally known as code 10"; and (iii) a motor	(i) A motor vehicle which is propelled by electrical power and is of a class as contemplated in item (ii), generally known as "code 06"; (ii) (aa) a medium motor vehicle, the tare of which exceeds 3 500 kg; or (bb) if such vehicle is a bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but does not exceed 9 000 kg, and generally known as "code 09"; and (iii) a motor		

	class as contemplated in code 10 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person	vehicle of a class as contemplated in code 10 as referred to in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person.	vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".	vehicle of a class as contemplated in item (ii), which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as "code 12".		

LICENCE CODES	**LICENCE ISSUED ON OR AFTER IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1990/06/01 BUT BEFORE THE IMPLEMENTATION OF SECTION 13 OF THE TRANSPORT GENERAL AMENDMENT ACT, 1995**	**LICENCE ISSUED ON OR AFTER 1985/12/31 BUT BEFORE 1990/06/01**	**LICENCE ISSUED ON OR AFTER 1972/02/01 BUT BEFORE 1985/12/31**	**LICENCE ISSUED ON OR AFTER 1967/01/01 BUT BEFORE 1972/02/01**	**LICENC ISSUED BEFORI 1967/01/**
EC	(i) Code 11: An extra heavy vehicle, being- (aa) a motor vehicle the tare of which	(i) Code 11: An extra heavy vehicle, being- (aa) a motor vehicle the	(i) An extra heavy vehicle, being (aa) a motor vehicle the	(i) A heavy motor vehicle the tare of which exceeds 9 000 kg but	(i) A heavy motor vehicle the tare of which exceeds 7 700 lbs but	(i) heavy vehicle a vehicle combina

	exceeds 16 000 kg; or, (bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle; (ii) code 13: A heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 3 500 kg but does not exceed 25 000 kg; and (iii) code 14 An extra heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 25 000 kg; and (iv) code 12: A motor vehicle of a class as contemplated in code 11, 13 or 14, as referred to in items (i), (ii) or (iii), whatever the case may be, which is	tare of which exceeds 16 000 kg or (bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle; (ii) code 13: A heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 3 500 kg but does not exceed 25 000 kg; (iii) code 14: An extra heavy articulated motor vehicle, the gross combination mass of the truck-tractor of which exceeds 25 000 kg; and (iv) code 12: A motor vehicle of a class as contemplated in code 11, 13 or 14 as	tare of which exceeds 16 000 kg or, (bb) a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, but does not include an articulated motor vehicle, and generally known as “code 11”; (ii) a heavy articulated motor vehicle, being an articulated motor vehicle the gross combination mass of which exceeds 3 500 kg but does not exceed 25 000 kg, generally known as a “code11”; (iii) an extra heavy	does not exceed 16 000 kg, generally known as “code 10”; (ii) an extra heavy motor vehicle, the tare of which exceeds 16 000 kg or, if such motor vehicle is a bus or goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, and generally known as “code 11”, and (iii)a motor vehicle of a class as contemplated in item (i) or (ii), whatever the case may be, which is specially adapted, constructed or equipped for	does not exceed 30 000 lbs and generally known as “code 10”; (ii) a bus or goods vehicle the gross vehicle mass of which exceeds 7 700 lbs, but does not exceed 30 000 lbs and generally known as “code 10”; (iii)an extra heavy motor vehicle the tare of which exceeds 30 000 lbs; (iv) a bus or goods vehicle, the gross vehicle mass of which exceeds 30 000 lbs and generally known as “code 11”, and (v) a	of r vehicles gross ve mass which exceeds 700 lbs generall known “code and (ii) motor ve of a clas contemp in item which specially adapted construc or equippe use by physical disabled person, generall known “code 12

	specially adapted, constructed or equipped for use by a physically disabled person.	referred to in item (i), (ii) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person.	articulated motor vehicle, being an articulated vehicle the gross combination mass of which exceeds 25 000 kg and generally known as “code 14”; and (iv) a motor vehicle of a class as contemplated in item (i), (ii) or (iii), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.	use by a physically disabled person, generally known as “code 12”.	motor vehicle of a class as contemplated in item (i), (ii), (iii) or (iv), whatever the case may be, which is specially adapted, constructed or equipped for use by a physically disabled person, generally known as “code 12”.	

(bB) Notwithstanding anything to the contrary in these regulations, the holder of an old licence with code 05 or 07, or generally known as a code 05 or 07, shall upon application in terms of regulation 111 or 112, as the case may be, be issued in terms of regulation 108 with a new licence with code B which shall-

(i) in the case of an application which relates to an old licence with the code 05, contain an endorsement of code 5 which indicates that the holder of such licence is only authorised to drive a tractor of any mass, with or without a trailer of any mass; and

(ii) in the case of an application which relates to an old licence with the code 07, contain an endorsement of code 7 which indicates that the holder of such licence is only authorised to drive 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, of any mass, with or without a trailer of any mass.

(c) Subject to paragraph (bB), the authority granted by the new licence is as prescribed for the code of such licence in paragraph (a), but if the licence is a code EC1 driving licence, the holder of it is authorised to drive the class of motor vehicle for which he or she had authority under the old licence.

(cA) In the case where the old licence authorises the driving of a motor vehicle which is propelled by electrical power, the authority granted by the new licence is, subject to the new licence being endorsed in terms of section 18(4)(a) of the Act, as prescribed for the relevant code of such licence in paragraph (a).

(d) In the case where the old licence authorises the driving of a motor vehicle specially adapted, constructed or equipped for use by a physically disabled person, the authority granted by the new licence is, subject to the new licence being endorsed in terms of section 18(4)(b) of the Act, as prescribed for the relevant code of such licence in paragraph (a).

100. Authorisation which serves as licence in terms of section 12 of Act

(1) If-

(a) a person's driving licence card has been stolen, lost, destroyed or defaced; or

(b) a driving licence testing centre has authorised that a driving licence be issued to a person, and the driving licence card is being processed by the Card Production Facility,

a duly completed form TDL as shown in Schedule 2, issued by an examiner for driving licences or a person duly authorised to do so, shall be an authorisation in terms of section 12 of the Act, for a period of six months from its date of issue, or until the date on which the person to whom it was issued, receives his or her original or duplicate driving licence card, whichever date is the earlier.

(2) A person referred to in-

(a) subregulation (1)(a), may request the said form TDL, from any driving licence testing centre; or

(b) subregulation (1)(b), may request form TDL from the driving licence testing centre which authorised that the driving licence be issued.

(3) The request referred to in subregulation (2) shall be done on form DL1 and be accompanied by-

(a) acceptable identification of the person concerned;

(b) two photographs of such person that comply with regulation 103(1); and

(c) if the applicant does not hold, or has never held, a driving licence authorising the driving of a motor vehicle of a class to which the application relate, the appropriate fees for an application for form TDL as determined by the MEC of the province concerned.

(4) On receipt of the request, an examiner for driving licences or a person authorised to do so shall-

(a) in the circumstances referred to in subregulation (2)(a), determine whether the person is the holder of a valid licence;

(b) in the circumstances referred to in subregulation (2)(b), determine the code of licence as contained in the authorisation as referred to in regulation 108(1)(a);

(c) complete form TDL as shown in Schedule 2 and indicate the codes of driving licences and professional driving permits, if applicable, held by the person concerned;

(d) affix one photograph to the original form TDL and one photograph to its carbon copy, or to the application form if the form TDL was printed by the computerised register;

(e) ensure that the person signs the form TDL;

(f) affix one lamination strip to the original form TDL and another to its carbon copy, or to the application form if the form TDL was printed by the computerised register, to cover the photograph, personal particulars, code of licence and professional driving permit, if applicable, of such person; and

(g) issue the original form TDL to the person concerned and retain its carbon copy, or the application form if the form TDL was printed by the computerised register, for record purposes.

(5) (a) Subject to paragraphs (b) and (c), a copy of an affidavit regarding the theft, loss,

destruction or defacement of a licence made at a driving licence testing centre or police station and which-

(i) contains the official date stamp of the authority concerned;

(ii) contains the-

(aa) full names;

(bb) identity number or date of birth,

(cc) full address; and

implex

(dd) code of licence with all endorsements and restrictions applicable thereto,
of the deponent; and

(iii) describes the circumstances under which the licence was stolen, lost, destroyed or defaced, shall be an authorisation in terms of section 12 of the Act, for a period of three days after the date on which it was issued.

(b) If the affidavit referred to in paragraph (a) is made at a police station, such affidavit shall also contain the crime administration number (CAS) or the occurrence book number (OB), as the case may be.

(c) The driving licence testing centre or police station at which an affidavit is made shall retain the original affidavit for record purposes.

101. Period of validity of learner's licence and driving licence

(1) The period of validity of a learner's licence issued or deemed to be issued in terms of section 17 of the Act shall be 18 months from the date of examination and test referred to in section 17(2) of the Act.

(2) (a) The period of validity of a driving licence issued or deemed to be issued in terms
of section 18 of the Act shall be indefinite, unless such licence has been suspended or cancelled in terms of the Act.

(b) (i) The holder of a driving licence that was issued before 1 March 1998, who
wishes to substitute such licence as contemplated in section 19 of the Act, shall apply for such substitution before or within the period determined by the Minister by notice in the *Gazette.*

(ii) Different periods may be determined under item (i) in respect of licence holders whose surnames start with different letters of the alphabet, or whose dates of birth fall in different months.

102. Defective vision disqualifying person from obtaining or holding licence

(1) A person shall be disqualified from obtaining or holding a learner's or driving licence unless-

(a) in the case of an application for a learner's or driving licence relating to the code A1, A, B or EB, such person has-

(i) according to the Snellen rating a minimum visual acuity, with or without refractive correction, of 6/12 (20/40) for each eye, or where the visual acuity of one eye is less than 6/12 (20140) or where one eye of the person concerned is blind, a minimum visual acuity for the other eye of 6/9 (20/30); and

(ii) a minimum visual field of 70 degrees temporal, with or without refractive correction, in respect of each eye, or where the minimum visual field in respect of one eye is less than 70 degrees temporal, or where one eye is blind, a minimum total horizontal visual field of at least 115 degrees with or without refractive correction; or

(b) in the case of an application for a learner's or driving licence relating to the code C1, C, EC1 or EC, such person has-

(i) according to the Snellen rating a minimum visual acuity, with or without refractive correction, of 6/9 (20/30) for each eye; and

(ii) a minimum visual field of 70 degrees temporal in respect of each eye, with or without refractive correction.

(2) (a) A person who is disqualified in terms of subregulation (1) may at such person's

expense approach a registered optometrist or ophthalmologist to test such person's eyes in terms of the standards referred to in subregulation (1), and the result of such test shall, if it duly reflects the visual acuity of such person according to the Snellen rating, and his or her field of vision expressed in degrees, as contemplated in subregulation (1), be accepted by the driving licence testing centre.

(b) If the result contemplated in paragraph (a) indicates that the person concerned is disqualified as contemplated in subregulation (1), the driving licence testing centre shall not issue such person with a learner's or driving licence with a code to which the application of that person relates.

103. Manner of application for learner's licence

(1) An application in terms of section 17(1) or section 24(1) of the Act shall be made by the applicant at a driving licence testing centre on form LL1 as shown in Schedule 2, and shall be accompanied-

(a) by two identical black and white or colour photographs of the applicant which-

(i) shall have been recently taken;

(ii) shall be clear cut and without shadows;

(iii) shall be 40 millimetres in length and 30 millimetres in width;

(iv) shall depict only the head and shoulders of the applicant;

(v) shall show the applicant's full face;

(vi) shall, subject to item (vii), show the applicant without headgear;

(vii) may, if the applicant wears headgear required by a religion of which he or she is a *bona fide* member, show the applicant with such headgear: Provided that if the examiner for driving licences is of the opinion that the photographs showing the applicant with headgear are inadequate for identification purposes, he or she may refer the photographs to an official designated by the Director-General of the Provincial Administration concerned for his or her approval or disapproval;

(aA) if the official referred to in paragraph (a)(vii) does not grant approval of the photographs, by two photographs taken in the manner agreed to in writing by such official;

(b) acceptable identification of the applicant;

(c) in the case of an applicant who is 65 years of age or older, by the medical certificate on form MC as shown in Schedule 2, signed by a medical practitioner or occupational health practitioner, certifying that the applicant

implex

is not disqualified in terms of section 15(1)(f) or (g) of the Act from obtaining a learner's or driving licence; and

(d) by the appropriate fee as determined by the MEC of the province concerned.

(2) If the applicant-

(a) is on the day determined in terms of section 17(2) of the Act, for any reason whatsoever, not examined and tested; and

(b) is unable to satisfy the driving licence testing centre concerned that the reason for his or her not having been examined and tested is due to circumstances beyond his or her control,

the applicant shall again pay the fee referred to in subregulation (1)(d) if the driving licence testing centre determines another day and time on which the applicant shall present himself or herself to be examined and tested: Provided that unless the applicant furnishes the driving licence testing centre with a declaration on form ATD, containing the reason or reasons for the applicant not being examined and tested on the day determined in terms of section 17(2) of the Act, the centre concerned shall not consider such reason or reasons for the purpose of this subregulation.

[Subreg. (2) amended by Gen N 2116/2001 and GN R1066/2005]

(3) An application for a learner's licence in terms of section 24(1) of the Act shall be made to the department of State where the applicant is employed.

104. Manner and contents on which applicant for learner's licence to be tested and examined

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

(2) The examiner for driving licences shall satisfy himself or herself that the applicant

(a) knows and understands-

(i) the rules of the road;

(ii) the road traffic signs; and

(iii) the controls of a motor vehicle of the class to which the application relates; and

(b) is not disqualified in terms of section 15 of the Act or regulation 102, before issuing a learner's licence.

(3) The procedure to be followed by the examiner for driving licences in complying with subregulation (2) shall include the completion by the applicant of the "Theory Test for Learner's Licence" on form TLL as shown in Schedule 2.

[Subreg. (3) substituted by Gen N 2116/2001 and GN R1066/2005]

(4) A person may only do an oral test to obtain a learner's licence if he or she is illiterate and after such a person has obtained the permission of the MEC.

[Subreg. (4) added by GN R1341/2003]

105. Issue of learner's licence

(1) A learner's licence shall be issued on form LL2 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 learner's 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 -

(a) complete the learner's licence, on which the date of birth of the holder shall be reflected;

(b) endorse the learner's licence accordingly in the case where-

(i) the applicant is found to be competent to drive with the aid of glasses or contact lenses, an artificial limb or other physical aid;

(ii) 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;

(c) ensure that the applicant signs the learner's licence;

(d) affix one photograph to the learner's licence and one photograph to the carbon copy, or to the application form if the learner's licence was printed by the computerised register;

(e) affix one lamination strip to the learner's 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 learner's licence of the holder;

(f) issue the learner's licence; and

(g) retain the application form and, if not printed by the computerised register, the carbon copy of the learner's licence for record purposes.

[Subreg. (1) amended by Gen N 2116/2001]

(2) In the case of an application for a learner's licence in terms of section 24(1) of the Act, the provisions of subsections (2) and (3) of section 17 of the Act shall apply with the necessary changes, but no fee for the issue of a learner's licence shall be paid.

106. Manner of application for driving licence

(1) An application for a driving licence in terms of section 18(1) of the Act, shall be made by the applicant at a driving licence testing centre on form DL1 as shown in Schedule 2, and shall be accompanied by

(a) acceptable identification of the applicant;

(b) every licence which authorises the applicant to drive a motor vehicle;

(c) four photographs of the applicant, that comply with regulation 103(1); and

(d) the appropriate fee as determined by the MEC of the province concerned.

(1A) Upon receipt of an application contemplated in subregulation (1), the driving licence testing centre concerned shall affix one photograph of the applicant and one lamination strip to form DL1, to cover the photograph and personal particulars of the applicant.

[Subreg. (1A) inserted by Gen N 2116/2001]

(2) If the applicant, on the day determined in terms of section 18(2) of the Act, is not examined and tested for any reason whatsoever, and is unable to satisfy the driving licence testing centre concerned that the reason for his or her not having been examined and tested was due to circumstances beyond his or her control, he or she shall again pay the fee contemplated in subregulation (1)(d), if the driving licence testing centre determines another day and time on which he or she shall present himself or herself to be examined and tested: Provided that unless the applicant furnishes the driving licence testing centre with a sworn statement on form ADT, containing the reason or reasons for the applicant not being examined and tested on the day determined in terms of section 18(2) of the Act, the centre concerned shall not consider such reasons for the purpose of this subregulation.

[Subreg. (2) amended by Gen N 2116/2001 and GN R1341/2003]

(3) (a) The holder of a driving licence issued by a department of State prior to 1 January 1993 in terms of section 24(3) of the Act, may apply for a driving licence in the manner referred to in subregulation (1), and the application shall further be accompanied by-

(i) the licence held by the applicant; and

(ii) an official letter from the department of State concerned-

(aa) certifying that the licence held by the applicant is valid;

(bb) indicating the equivalent category of the licence as referred to in regulation 99(4); and

(cc) indicating any conditions and limitations applicable to the licence.

(b) Upon receipt of an application contemplated in paragraph (a), the driving licence testing centre concerned shall affix one photograph of the applicant and one lamination strip to form DL1, to cover the photograph and personal particulars of the applicant.

[Para. (b) substituted by Gen N 2116/2001]

(c) An examiner for driving licences shall, if he or she is satisfied that the documents referred to in paragraph (a)(i) and (ii) are valid and relate to the

category of driving licence for which the applicant applied, issue; or authorise the issue of; a driving licence in terms of regulation 108, but the licence which was issued by the department of State shall not be cancelled and shall be handed back to the applicant.

[Para. (c) added by Gen N 2116/2001]

(b) Upon receipt of an application contemplated in paragraph (a), an examiner for driving licences shall, if he or she is satisfied that the documents referred to in paragraph (a)(i) and (ii) are valid and relate to the category of driving licence for which the applicant applied, authorise the issue and issue a driving licence in terms of regulation 108, but the licence which was issued by the department of State shall not be cancelled and shall be handed back to the applicant.

(4) An application for a driving licence in terms of section 24(1) of the Act shall be made to the department of State where the applicant is employed.

107 Manner and contents on which applicant for driving licence to be examined and tested

(1) An applicant for a 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 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.

(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 driving licence, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle driver, 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, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle driver, 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, test an applicant according to the manual of the Department "K53 Practical driving test for motor vehicle driver, Volume 3 – Motor Cycles" published by the Minister by notice in the *Gazette*; and

(d) in the case of a code EB 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*.

(Commencement date of para. (d): 1 May 2006)

[Subreg. (5) substituted by GN R92/2006]

108. Manner of issue of driving licence

(1) An examiner for driving licences shall forthwith, after the examiner for driving licences notified the applicant that he or she shall be issued with a driving licence after an examination and test in terms of regulation 107 or in the case of an

application in terms of subregulation (5) (b) or regulation 109, and if he or she is satisfied that the applicant must be issued with a driving licence and that the applicant is not disqualified from holding a driving licence as contemplated in section 15(1)(f)(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) take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;

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

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

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

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

(h) record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106(1) and on the register of driving licences; and

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

be performed by an employee of the driving licence testing centre concerned.

[Subreg. (1) amended by Gen N 2116/2001 and GN R1341/2003 and substituted by GN R881/2004]

(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 published by the Minister by notice in the *Gazette*.

(2) (a) On receipt of form ISS as shown in Schedule 2 and the order for the driving licence card, the Card Production Facility shall, if the image scanning sheet is accepted-

(i) personalise and produce the driving licence card on form DL3 as shown in Schedule 2; and

(ii) forward the driving licence card and notice NCD as shown in Schedule 2 to the driving licence testing centre concerned.

(b) If the image scanning sheet is not accepted by the Card Production Facility, the applicant shall 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 complete a new image scanning sheet.

(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;

[Para. (e) substituted by Gen N 2116/2001]

(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.

[Para. (a) substituted by GN R881/2004]

(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).

(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).

[Subreg. (6) added by GN R1341/2003 and substituted by GN R881/2004]

109. Application for and issue of duplicate of licence

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

[Subreg. (1) substituted by GN R881/2004]

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

(a) the original licence or, where the original licence is lost or destroyed, a declaration to that effect on form DCT as shown in Schedule 2;

(b) two photographs of the applicant, that comply with regulation 103(1), unless the applicant wishes to obtain a duplicate driving licence card which expires when the original driving licence card would have expired in terms of regulation 108(5);

(c) in the case of an application for a duplicate of a learner's licence, the fee as determined by the MEC of the province concerned for the issue of a duplicate document, and in the case of an application for a duplicate driving licence card, the fee for the issue of a driving licence card contemplated in regulation 108(1); and

(d) acceptable identification of the applicant.

(3) Upon receipt of an application referred to in subregulation (1), the authority concerned shall-

(a) ensure that the licence is not subject to a suspension or cancellation;

(b) ensure that the identification details and photographs, if applicable, of the applicant and those on the carbon copy of the original licence correlate; and

(c) issue the duplicate of the learner's licence, or authorise the issue, and issue the duplicate of the driving licence card, in accordance with regulation 105 or 108, respectively, with the necessary changes.

(4) …….

[Subreg. (4) deleted by GN R881/2004]

110. Conditions for acknowledgement and exchange of driving licence not issued in terms of Act, and international driving permit

(1) Subject to subregulation (3), a driving licence referred to in section 23(11)(a) of the Act, issued while the holder of it was not permanently or ordinarily resident in the Republic, shall, for the period for, and subject to the conditions under which it was issued, be deemed to be a valid licence for the purposes of Chapter IV of the Act, if-

(a) (i) the licence has been issued in an official language of the Republic; or

(ii) a certificate of authenticity or validity relating to the licence issued in an official language of the Republic by a competent authority, or a translation of that licence in such official language, is attached to it; and

(b) such licence contains or has attached to it, a photograph and the signature of the licence holder.

(2) Subject to subregulation (3), an international driving permit referred to in section 23(1)(b) of the Act shall be deemed to be a valid licence for the purposes of Chapter IV of the Act for the period for, and, subject to the conditions under which it was issued.

(3) When the holder of a licence referred to in section 23(1)(a) of the Act or the holder of an international driving permit referred to in section 23(1)(b) of the Act-

(a) returns to the Republic to resume permanent residence, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, after one year from the date of return; or

(b) obtains permission in terms of any law for permanent residence in the Republic, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, after one year from the date on which such person, has taken up permanent residence.

(4) Notwithstanding this regulation, a driving licence shall be deemed to be a valid licence for the purposes of Chapter IV of the Act, if such licence was issued in a territory previously known as-

(a) The Republic of Bophuthatswana;

(b) The Republic of Ciskei;

(c) Gazankulu,

(d) KaNgwane;

(e) KwaNdebele;

(f) KwaZulu;

(g) Lebowa;

(h) QwaQwa;

(i) The Republic of Transkei; or

(j) The Republic of Venda.

(5) A licence referred to in section 23(1)(a) or an international driving permit referred to in section 23(1)(b) of the Act may, at any time during the validity thereof, and after the holder thereof has obtained permanent residency in the Republic, be exchanged for a driving licence in terms of subregulations (6) and (7): Provided that the requirement for permanent residency shall not apply to holders of diplomatic permits and treaty permits.

[Subreg. (5) substituted by GN R1341/2003 and GN R881/2004]

(6) (a) An application referred to in section 23(3) of the Act shall, subject to subregulations (7) and (8), be made in the manner contemplated in regulation 111, and an application for the exchange of an international

driving permit shall, in addition to the requirements of regulation 111 (1), be accompanied by the driving licence on the authority of which the permit was issued.

(b) In the case of an application referred to in paragraph (a) for the exchange of a driving licence referred to in subregulation (4), which driving licence is no longer in the possession of the applicant, such application shall be made in the manner contemplated in regulation 112(2) and the new card shall be authorised and issued in the manner contemplated in regulation 112(3).

(7) (a) Subject to paragraph (b), the driving licence testing centre concerned shall upon

receipt of an application referred to in subregulation (6)(a), authorise the issue and issue a driving licence for the class or classes of motor vehicles to which the existing licence relates.

(b) The driving licence testing centre concerned shall authorise the issue and issue the licence referred to in paragraph (a) in the manner referred to in regulation 108 if-

(i) it is satisfied that the applicant is the holder of the licence or permit, as the case may be, referred to in subregulation (1) and (2);

(ii) it is satisfied that the licence or permit is still valid in the country or territory of issue; and

(iii) in the case of an application for the exchange of a driving licence referred to in subregulation (4), if the MEC concerned confirms in writing that the applicant is the holder of a valid licence.

[Para. (b) substituted by Gen N 2116/2001]

(8) If there is a dispute as to the class of motor vehicle in respect of which a driving licence has been issued in terms of subregulation (7)(a), the MEC concerned shall determine the class of the motor vehicle.

111. Application for driving licence in terms of section 19 of Act and regulation 110(6)(a)

(1) Subject to subregulation (2), an application for a driving licence contemplated in section 19 of the Act and regulation 110(6) shall be made by the applicant at a driving licence testing centre on form DL1 as shown in Schedule 2 and shall be accompanied by-

(a) acceptable identification of the applicant;

(b) the existing driving licence or its duplicate;

(bA) a certified copy of a diplomatic permit or treaty permit;

[Para. (bA) inserted by GN R881/2004]

(c) two photographs of the applicant, and in the case of an application referred to in regulation 110(6)(a), four photographs of the applicant, that comply with regulation 103(1); and

(d) the fee contemplated in regulation 108(1).

(1A) In the case where the driving licence of the applicant is contained in an identity document and the particulars of that driving licence is recorded in the register of driving licences, but the applicant is no longer in possession of the driving licence, the applicant shall make a declaration on form DCT, which shall be sufficient for the purposes of subregulation (1)(b).

(2) In the case of a licence issued in a prescribed territory, where the existing driving licence is not contained in an identity document and the applicant is no longer in possession of that driving licence, the application for a driving licence contemplated in regulation 110(6)(a), shall be made in the manner contemplated in regulation 112(2) and the examiner for driving licences shall act as contemplated in regulation 112(3).

(3) Upon receipt of an application referred to in subregulation (1), the examiner for driving licences shall, if he or she is satisfied that-

(a) the applicant is not disqualified from holding a driving licence as contemplated in section 15(1)(f)(vi) of the Act read with regulation 102;

(b) if the driving licence is contained in an identity document, the particulars of the driving licence are recorded in the register of driving licences;

(c) if the driving licence is not contained in an identity document-

(i) in the case where that driving licence testing centre issued the licence, the particulars of the driving licence is recorded on the driving licence records of the centre; or

(ii) in the case where another authority keeps the record of the driving licence concerned, the authority concerned confirms in writing that the licence was issued and that the particulars of the driving licence are correct, authorise the issue and issue a new driving licence in the manner referred to in regulation 108.

(4) In the case where the particulars of the existing driving licence, which is contained in an identity document, is not recorded in the register of driving licences, the examiner for driving licences or the person authorised thereto shall obtain written confirmation from the Department that the driving licence was issued and that the particulars of the driving licence is correct.

[Subreg. (4) substituted by Gen N 2116/2001]

112. Application for driving licence in terms of section 20 of Act and regulation 110(6)(b)

(1) (a) An application referred to in section 20(1) of the Act shall, if the applicant is still
in possession of the driving licence issued in terms of section 57 of the road traffic
ordinance or its duplicate, be made at a driving licence testing centre by the holder
on form DLI and shall be accompanied by-

(i) the fee as contemplated in regulation 108(1);

(ii) the existing licence or its duplicate;

(iii) two photographs of the applicant that comply with regulation 103(1); and

(iv) acceptable identification of the applicant.

(b) Upon receipt of the application the driving licence testing centre shall-

(i) in the case where that driving licence testing centre issued the licence, determine from the driving licence records of the centre whether the licence concerned was issued and whether the licence particulars are correct; and

(ii) in the case where another authority keeps the record of the driving licence concerned, obtain written confirmation from that authority that the licence concerned was issued and that the licence particulars are correct.

(2) (a) In the case of an application referred to in section 20(1) of the Act where the applicant is no longer in possession of the driving licence issued in terms of section 57 of the road traffic ordinance or a duplicate of it, and in the case of an application referred to in regulation 110(6)(b), the applicant shall apply to the authority that issued the licence or the provincial administration concerned for form POD on form APD as shown in Schedule 2, and such application shall be accompanied by-

(i) the fee as determined by the MEC of the province concerned;

(ii) two photographs of the applicant that comply with regulation 103(1); and

(iii) acceptable identification of the applicant.

(b) Upon receipt of the application the authority concerned shall, if it is satisfied that the licence concerned was issued by that authority, complete form POD as shown in Schedule 2, issue that form to the applicant and retain a copy of it for record purposes.

(c) The said applicant shall upon being issued with form POD make an application on form DL1 to a driving licence testing centre, which shall be accompanied by-

(i) the fee as contemplated in regulation 108(1);

(ii) two photographs of the applicant that comply with regulation 103(1);

(iii) form POD; and

(iv) acceptable identification of the applicant.

(3) Upon receipt of an application referred to in subregulation (1) or (2), the examiner for driving licences shall, if he or she is satisfied that the applicant is not disqualified from holding a driving licence as contemplated in section 15(1)(f)(vi) of the Act read with regulation 102, authorise the issue and issue the driving licence in the manner referred to in regulation 108.

112A. Authorisation to allow person to receive driving licence card on behalf of another person

(1) Notwithstanding regulation 108-

(a) if an applicant knows that he or she will be unable to receive the driving licence card in person at the driving licence testing centre-

(i) the application shall be accompanied by-

(aa) a certified copy of the identity document of the person who will receive the card on the applicant's behalf; and

(bb) an affidavit made by the applicant stating the reason why he or she will be unable to receive the card in person, and the name and identification number of the person who will receive the card on his or her behalf; and

(ii) the person whose name and identification number appears on the affidavit shall receive the card on behalf of the applicant and shall present his or her identity document upon such receipt; or

(b) if an applicant is unable to receive the card in person due to unforeseen circumstances, the person who receives the card on behalf of the applicant shall submit-

(i) his or her identity document and a certified copy thereof;

(ii) a certified copy of the identity document of the applicant; and

(iii) an affidavit made by the applicant which contains an explanation of the unforeseen circumstances preventing him or her from receiving the card in person and the name and identification number of the person who will receive the card on his or her behalf.

(2) The driving licence testing centre shall upon submission of the said documents issue the card to the said person.

113. Manner of notification of new residential and postal address

Notice of a licence holder's new residential and postal address in terms of section 22 of the Act shall be given on form NCP as shown in Schedule 2, to the appropriate registering authority of the licence holder.

113A. Procedure after suspension or cancellation of licence in terms of section 34 of the Act

If a court has suspended or cancelled a licence in terms of section 34 of the Act, the registrar or clerk of the court shall send such licence to the Provincial Administration concerned for safekeeping until the suspension period has expired or for the destruction of such licence if such licence has been cancelled.

[Reg. 113A inserted by GN R1341/2003]

114. Manner of application for and issue of driving licence free of endorsements

An application for and issue of a driving licence free of endorsements in terms of section 26(2) of the Act shall be made in the manner prescribed in regulation 109, in so far as it relates to the driving licence.

Part III

Instructors

114A. Application for registration as instructor

(1) Any person desiring to be registered as an instructor shall apply at a driving licence testing centre to the chief executive officer on form RI as shown in Schedule 2, in respect of one or more of the classes of motor vehicles for which a learner's or driving licence can be obtained as contemplated in regulation

99(1), and such application shall be accompanied by the appropriate fee as determined by the MEC of the province concerned.

(2) Upon receipt of an application in terms of subregulation (1)-

(a) the driving licence testing centre shall submit such application to the officer in charge of the South African Police Service Station deemed by such centre to be the most convenient, for a report as to whether any conviction has been recorded against the applicant as well as in respect of any other matter which, in the opinion of such officer or centre, is relevant to the application, and that officer is authorised to report accordingly; and

(b) the driving licence testing centre shall require the applicant to be medically examined at the applicant's cost by a medical practitioner or occupational health practitioner in order to obtain a report on form MC as shown in Schedule 2 on the physical and mental fitness of such applicant to act as an instructor.

(3) A member of the South African Police Service may take the finger and palm prints of the applicant to enable him or her to report in terms of subregulation (2).

(4) Before an application in terms of subregulation (1) is forwarded to the chief executive officer, the driving licence testing centre concerned shall attach the reports referred to in subregulation (2) and shall at the same time draw the attention of the chief executive officer to any relevant information.

(Reg. 114A not yet in operation)

114B. Examination and test to determine competence to act as instructor

(1) If the chief executive officer, having regard to the documents referred to in regulation 114A(4) and any relevant facts known to him or her or ascertained by him or her, is satisfied that the applicant cannot be considered fit to act as an instructor, he or she shall refuse the application.

(2) Where the chief executive officer does not refuse the application, he or she shall require the applicant to be examined and tested at the driving licence testing centre concerned in order to obtain a report on the form determined by the chief executive officer, on the competence of the applicant to act as an instructor.

(3) The examination and test mentioned in subregulation (2) shall be in accordance with the "Manual for driver trainer instructors" of the Corporation published by the chief executive officer in the *Gazette*.

(4) The chief executive officer shall consider the application with due regard to the reports referred to in regulation 114A(2) and subregulation (2) and any relevant facts known to him or her or ascertained by him or her, and if he or she is satisfied that the applicant complies with all the requirements, he or she shall, subject to such conditions as he or she may determine, grant the application in respect of one or all of the classes of motor vehicles to which the application relates.

(Reg. 114B not yet in operation)

114C. Registration of instructor

(1) Where the chief executive officer grants an application he or she shall forward-

(a) a written authority in such form as he or she may determine, to the applicant for the issue of a registration certificate and in which any condition subject to which the application has been granted, is specified; and

(b) a copy of the authority contemplated in paragraph (a) to the driving licence testing centre concerned.

(2) Upon receipt of-

(a) the authority contemplated in subregulation (1)(a);

(b) two photographs of the applicant complying with the provisions of regulation 103(1); and

(c) the fee for a registration certificate determined by the MEC of the province concerned, the driving licence testing centre shall issue to the applicant a registration certificate on form CRI as shown in Schedule 2 on which the conditions contemplated in subregulation (1)(a) have been endorsed after the provisions of subregulations (3) and (4) have been complied with, and shall update the register of instructors accordingly.

(3) The driving licence testing centre shall affix one lamination strip to the registration certificate and another to the application form contemplated in regulation 114A(1), to cover the photograph, personal particulars and class or classes of motor vehicles in respect of which the registration certificate was granted.

(4) The applicant shall sign the registration certificate in the presence of the person acting on behalf of the driving licence testing centre concerned.

(Reg. 114C not yet in operation)

114D. Cancellation or suspension of registration of instructors

(1) If the chief executive officer intends to suspend or cancel the registration of an instructor in terms of section 28C of the Act he or she shall notify the instructor, and the driving licence testing centre that issued such instructor with his or her registration certificate, accordingly.

(2) The instructor may within 21 days of receipt of the said notification give reasons in writing to the chief executive officer why his or her registration should not be suspended or cancelled, and send a copy thereof to the driving licence testing centre concerned.

(3) After due consideration of all the relevant facts and circumstances, the chief executive officer may suspend for such period as he or she determines, or cancel the registration of the instructor and he or she shall notify the instructor and driving licence testing centre concerned accordingly.

(4) The instructor whose registration has been suspended or cancelled shall deliver his or her registration certificate forthwith to the driving licence testing centre.

(5) The driving licence testing centre shall update the register of instructors.

(6) After the expiry of the period of suspension, the driving licence testing centre shall return to the person entitled thereto, the registration certificate delivered to it in terms of subregulation (4).

(Reg. 114D not yet in operation)

114E. Application for amendment of registration of instructor

(1) (a) Where an instructor desires that his or her registration applies to a further class of

motor vehicle, he or she may apply in terms of regulation 114A for a new registration certificate.

(b) The instructor shall undergo an examination and test with respect to the further class or classes of vehicle contemplated in paragraph (a), in accordance with that part of the "Manual for driver trainer instructors" of the Corporation that pertains to the theoretical and practical test contemplated in regulations 104 and 107.

(2) If any of the particulars that appears on an instructor's registration certificate changes, or the instructor desires that any condition of his or her registration be altered, substituted or deleted, the instructor shall apply for a new registration certificate in terms of regulation 114A.

(3) (a) In the case of an application contemplated in subregulation (1), the chief executive

officer may dispense with the furnishing of the reports referred to in regulation 114A(2).

(b) In the case of an application contemplated in subregulation (2), the chief executive officer may dispense with the furnishing of the reports referred to in regulations 114A(2) and 114B(2).

(4) If the application is granted-

(a) the driving licence testing centre shall update the register of instructors;

(b) the driving licence testing centre shall issue the new registration certificate free of charge;

(c) the new registration certificate shall not be issued before the existing registration certificate has been delivered to the driving licence testing centre concerned for cancellation.

(Reg. 114E not yet in operation)

Part IV

Professional Driving Permit

115. Certain drivers of certain vehicles to hold professional driving permit

(1) Subject to the provisions of subregulation (2), a professional driving permit shall be held by the driver of-

(a) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;

(b) a breakdown vehicle;

(c) a bus;

(d) a minibus -

(i) the gross vehicle mass of which exceeds 3 500 kilograms; or

(ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver;

(e) a motor vehicle used for the conveyance of persons for reward or is operated in terms of an operating licence issued in accordance with the provisions of the NLTTA;

[Para. (e) substituted by GN 871/2005 and GN R891/2006]

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

(Date of coming into operation of Para. (f): 3 August 2001)

[Para. (f) substituted by GN R881/2004]

(g) a motor vehicle conveying 12 or more persons including the driver.

(2) The provisions of subregulation (1) does not apply -

(a) to a traffic officer or examiner of vehicles in the performance of his or her duties as contemplated in sections 3I and 3G of the Act, respectively;

(b) to a person driving a hearse;

(c) to a person driving a motor vehicle referred to in regulation 21(1) or 21 (5);

[Para. (e) amended by Gen N 2116/2001 w.e.f. 1/1/2002]

(d) subject to regulation 99(2), to a person driving a motor vehicle for which he or she holds a valid learner's licence with the code prescribed for that vehicle in terms of regulation 99(1), while being accompanied by a person holding a valid professional driving permit which authorises him or her to drive that vehicle;

(e) to a person driving a tractor.

116. Categories of, and authority conveyed by, professional driving permit

(1) Professional driving permits are divided in the following categories:

(a) Category "G", which authorises the driving of a motor vehicle as referred to in regulation 115(1)(a) and (b);

(b) category "P", which authorises the driving of a motor vehicle referred to in regulation 115(1)(a), (b), (c), (d), (e) and (g); and

(c) category "D", which authorises the driving of a motor vehicle referred to in regulation 115(1).

(Date of coming into operation of Para. (c): 3 August 2001)

(2) For the purpose of subregulation (1), the term "driving" shall include the driving of a motor vehicle drawing another motor vehicle the last named of which is a motor vehicle as contemplated in regulation 115(1).

(3) The authority provided by a professional driving permit only applies in respect of a vehicle for which the holder holds a valid driving licence.

117. Disqualification from obtaining professional driving permit

A professional driving permit shall not be issued by a driving licence testing centre

(a) unless the applicant is in possession of a valid driving licence for a motor vehicle in respect of which the permit is applied for;

(aA) unless, in the case of an application for a category "P" and "D" professional driving permit, the applicant is of the age of 21 years and 25 years, respectively, or over;

(b) unless a registered medical practitioner or occupational health practitioner has examined the applicant to determine whether or not he or she is disqualified from driving a motor vehicle as contemplated in section 15(1)(f) of the Act, and has certified the applicant to be medically fit on form MC as shown in Schedule 2 not more than 2 months prior to the date of the application;

(c) if the applicant has, within a period of five years prior to the date of application, been convicted of or has paid an admission of guilt on -

(i) driving a motor vehicle while under the influence of intoxicating liquor or a drug having a narcotic effect;

(ii) driving a motor vehicle while the concentration of alcohol in his or her blood or breath exceeded a statutory limitation;

(iii) reckless driving; or

(iv) in the case of an application for a category "P" and "D" permit, an offence of which violence was an element;

[Para. (c) substituted by GN R1341/2003]

(d) during any period for which a professional driving permit or driving licence held by the applicant has been suspended or if such permit or licence has been cancelled; or

(e) unless, from a date to be determined by the Minister by notice in the *Gazette*, the applicant for a category "D" permit holds a certificate obtained from an approved training body as contemplated in regulation 280, not more than six months prior to the date of application.

[Para. (e) amended by GN R1341/2003]

(Date of coming into operation of Para. (e): 3 August 2001)

118. Application for professional driving permit

(1) The driver of a vehicle contemplated in regulation 115(1) shall apply at a driving licence testing centre for a professional driving permit on form PD1 as shown in Schedule 2.

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

(a) the fee for an application for a professional driving permit as prescribed by the MEC of the province concerned;

(b) acceptable identification of the applicant;

(c) two photographs of the applicant that comply with regulation 103(1);

(d) the original driving licence which authorises the applicant to drive a motor vehicle to which his or her application for a professional driving permit relates;

(dA) from the date referred to in regulation 117(e), the training certificate referred to in the said regulation, if applicable;

(Date of coming into operation of Para. (dA): 3 August 2001)

(e) the medical certificate on form MC as shown in Schedule 2; and

(f) any other professional driving permit or public driving permit already held by the applicant.

(3) Upon receipt of an application made in terms of this regulation, the testing centre shall-

(a) ensure that the application is in order with reference to regulation 117 and subregulation (2);

(aA) ensure that the applicant is not disqualified as contemplated in section 15 of the Act read with regulation 102;

[Para. (aA) inserted by Gen N 2116/2001]

(b) verity that the photographs submitted are those of the applicant; and

(c) record the application on the register of professional driving permits and verify from such register that the applicant is not subject to a suspension

implex

or cancellation of any driving licence or professional driving permit held by him or her.

(4) If the driving licence testing centre is satisfied that the application is in order, it shall request the officer in charge of the nearest South African Police Service station for a report of the convictions identified in regulation 117(c), if any, recorded against the applicant and for the purpose of such report, any member of the South African Police Service may take the finger and palm prints of the applicant.

119. Manner of issue of professional driving permit

(1) If the examiner for driving licences is satisfied that the applicant complies with the requirements for the issue of a professional driving permit, the examiner shall, upon payment of the fee which shall be the same as the fee prescribed for the issue of a driving licence as determined by the MEC of the province concerned, except if such fee was already paid in terms of regulation 108 for the simultaneous issue of a driving licence-

(a) 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;

(b) ensure that the applicant signs the image scanning sheet (form ISS) and the duplicate thereof;

(bA) ensure, from the date referred to in regulation 117(e), that the applicant holds a training certificate referred to in the said regulation, if applicable;

(Para. (bA) not yet in operation)

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

(d) record the barcode number of the image scanning sheet on the application form and the register of professional driving permits;

(e) after receiving the police report referred to in regulation 118(4) and verifying that the applicant is medically fit as required in regulation 117(b),

complete the authorisation to issue the professional driving permit on the application form and record the authorisation on the register of professional driving permits;

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

(g) order the driving licence card on which the professional driving permit will appear from the Card Production Facility and send the image scanning sheet (form ISS) to that facility not later than two working days after the date of the authorisation referred to in paragraph (e).

(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 published in the notice contemplated in regulation 108(1A).

(2) On receipt of form ISS as shown in Schedule 2 and the order for the driving licence card, the Card Production Facility shall-

(a) personalise and produce the driving licence card on form DL3 as shown in Schedule 2; and

(b) forward the driving licence card and notice NCD as shown in Schedule 2 to the driving licence testing centre concerned.

(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 professional driving permit appears, on the register of professional driving permits;

(b) notify the applicant on form NCD as shown in Schedule 2, to collect such driving licence card at such centre;

(c) after presentation of the applicant's acceptable identification and the submission of every licence and professional driving permit held by such applicant, issue such driving licence card to the applicant;

(d) ensure that the applicant acknowledges receipt of the driving licence card on the application form; and

(e) update the register of professional driving permits accordingly to reflect the issue of the driving licence card.

(4) An examiner for driving licences or a person authorised thereto shall deface an unclaimed driving licence card on which a professional driving permit appears 120 days after the notice referred to in subregulation (3)(b) was posted, except previously otherwise agreed with the applicant, and record the defacement of such driving licence card on the register of professional driving permits.

120. Professional driving permit remains in force after application

(1) Notwithstanding the provisions of Regulation 122(1), where the holder of a professional driving permit has applied for a new professional driving permit in the manner contemplated in Regulation 122(2) on or before the expiry date of the professional driving permit held by such person and the professional driving permit or a driving licence of the person concerned has not been suspended or cancelled, that permit shall remain valid until the new professional driving permit has been issued in terms of Regulation 119(3) or until such holder is notified that his or her application for a new professional driving permit has been refused in terms of Regulation 125(4) but not for more than four months after the expiry date of such professional driving permit.

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

[Reg. 120 substituted by GN R1341/2003 and GN R881/2004]

121. Application for duplicate driving licence card on which professional driving permit appears

(1) An application for a duplicate driving licence card on which a professional driving permit appears, shall be made on form PD1 as shown in Schedule 2 to the driving licence testing centre, and shall be accompanied by-

(a) the fee which shall be the same as the fee referred to in regulation 108(1);

(b) the acceptable identification of the applicant;

(c) two photographs of the applicant, referred to in regulation 103(1); and

(d) the driving licence card on which the professional driving permit appears, or where the card has been lost or stolen, a declaration on form DCT as shown in Schedule 2.

(2) If the permit in question would have expired within a period of three months from the date of the application referred to in subregulation (1), the person concerned shall apply for, and be issued with, a new permit in accordance with regulation 118 and 119, respectively.

(3) Upon receipt of an application for a duplicate driving licence card on which a professional driving permit appears, the driving licence testing centre shall-

(a) ensure that the application is in order;

(b) verify that the applicant is not subject to a suspension or cancellation of any driving licence or professional driving permit held by him or her; and

(c) issue the duplicate of a driving licence card on which a professional driving permit appears in accordance with regulation 119: Provided that a training certificate, police report and medical certificate as referred to in regulation 119(1)(bA) and (1)(e) are not required.

122. Period of validity of professional driving permit, re-application and re-issuing

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

[Subreg. (1) substituted by GN R881/2004]

(2) Regulations 117, 118 and 119 apply to the re-application and re-issuing of a professional driving permit.

123. Suspension or cancellation of professional driving permit

(1) If any circumstance arises which would have caused the holder of a professional driving permit to be disqualified from obtaining that permit, the chief executive officer may suspend or cancel the permit held by such person and the holder shall submit the driving licence card on which the permit appears to the chief executive officer, upon which the chief executive officer shall-

(a) remove the professional driving permit from the driving licence card; and

(b) record the suspension or cancellation of the permit on the register of professional driving permits.

(2) The holder of a professional driving permit whose permit has been suspended or cancelled by a court under section 34 of the Act, shall submit the card on which the permit appears to the registrar or clerk of the court who shall ensure that the professional driving permit is removed from the driving licence card by the chief executive officer and that the suspension or cancellation of the permit is recorded on the register of professional driving permits.

124. Prohibition of permitting or assisting person not being holder of professional driving permit to drive vehicle

No person who-

(a) is the operator, owner or is in charge or control of a motor vehicle referred to in regulation 115(1) may employ or permit any other person to drive that motor vehicle on a public road, unless that other person is the holder of a professional driving permit of the appropriate category contemplated in regulation 116(1); or

(b) is the holder of a professional driving permit under this Part, may allow such permit to be used by any other person.

125. Referral of application to MEC

(1) If an applicant for a professional driving permit complies with all the requirements and conditions specified in the regulations but has-

(a) not been certified to be medically fit as referred to in regulation 117(b); or

(b) within a period of five years prior to the date of the application, been convicted of an offence referred to in regulation 117(c), he or she may request the driving licence testing centre concerned to refer his or her application to the MEC for a decision whether or not a professional driving permit may be issued.

(2) An application referred to the MEC for a decision shall be accompanied by the applicant's reasons why the application should be re-considered as well as a recommendation from the testing centre whether the application should be re-considered.

(3) If the MEC approves that a professional driving permit may be issued, he or she shall-

(a) ensure that such approval is recorded on the register of professional driving permits; and

(b) inform the driving licence testing centre concerned accordingly, and the testing centre shall deal with the application in accordance with regulation 119.

(4) If the MEC refuses the application, the testing centre concerned and the applicant shall be informed accordingly.

126. Records to be kept by driving licence testing centre of professional driving permits

A driving licence testing centre shall keep records of-

(a) every application for a professional driving permit made to it in terms of regulation 118(1) and any documentation accompanying the application;

(b) every duplicate image scanning sheet of which the original was forwarded to the Card Production Facility as referred to in regulation 119(1)(g);

(c) the form NCD received from the Card Production Facility in respect of every permit authorised by the testing centre;

(d) the card on which a permit appears as referred to in regulation 119(3)(c);

(e) any notification it receives; and

(f) any other documentation in connection with or related to any permit issued, suspended or cancelled by it.

127. Voidness of professional driving permit issued contrary to regulations

A professional driving permit issued contrary to the provisions of these regulations is void and the holder of it shall, on demand by the testing centre which issued the permit or by a traffic officer, forthwith deliver the permit to the testing centre or traffic officer.

Part I

Testing stations, roadworthy certificates and certification of roadworthiness

128. Manner of application for registration of testing station

(1) An application for the registration of a testing station in terms of section 38 of the Act shall be made on form TS1 as shown in Schedule 2, and a management representative shall be identified in respect of the testing station concerned.

(2) An application as referred to in subregulation (1) shall be accompanied by acceptable identification of the applicant and of the management representative identified under subregulation (1), and such other documentation as required by the MEC concerned.

129. Requirements to be met for registration of testing station

The requirements for registration of a testing station, are-

(a) the level of technical competence required in code of practice SABS 0216 “Vehicle test station evaluation”; and

(b) the manner of examination and testing of a motor vehicle at the testing station as required in code of practice SABS 047 “The testing of motor vehicles for roadworthiness”.

130. Manner of registration of testing station

(1) The MEC shall, upon receipt of an application for registration of a testing station made in terms of regulation 128 -

(a) require from the inspectorate of testing stations to-

(i) evaluate the testing station concerned according to code of practice SABS 0216 “Vehicle test station evaluation”; and

(ii) recommend the appropriate grading thereof in terms of regulation 132;

(b) with due regard to the evaluation and recommendations of the inspectorate of testing stations, satisfy himself or herself that the testing station concerned complies with the requirements referred to in regulation 129; and

(c) satisfy himself or herself that the registration of the testing station concerned has not been suspended or cancelled for a reason that is still valid.

(2) (a) If the MEC is satisfied as to the suitability of the testing station in terms of subregulation (1), he or she shall-

(i) subject to the conditions he or she may deem fit, register and, in terms of regulation 132, grade such testing station;

(ii) record the particulars of such testing station on the register of testing stations;

(iii) issue a certificate of registration on form CRF as shown in Schedule 2, to such testing station; and

[Subpara. (iii) amended by GN R1066/2005]

(iv) provide, upon payment of the fees as determined by the MEC of the province concerned, as many forms necessary for the certification of roadworthiness of motor vehicles as requested by a testing

implex

station, if such testing station is not under the control of a registering authority.

(b) If the MEC is not satisfied as to the suitability of the testing station in terms of subregulation (1), he or she shall refuse to register such testing station, and shall notify the applicant accordingly.

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

131. Notification by management representative of change of particulars of testing station

(1) The management representative identified in terms of regulation 128 shall, upon the change of any of the particulars submitted in terms of that regulation, notify the MEC and the inspectorate of testing stations of such change on form TS1 as shown in Schedule 2, within 14 days after such change.

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

132. Grades of testing stations

The MEC shall, with due regard to the evaluation and recommendations of the inspectorate of testing stations grade a testing station as a grade A or grade B, as the case may be, if such testing station complies with the appropriate grading requirements when it is evaluated according to code of practice SABS 0216 “Vehicle test station evaluation”: Provided that a testing station not under the control of a registering authority, or a mobile testing station, may be restricted to examine and test only-

(a) vehicles owned and operated by certain persons;

(b) vehicles of certain makes;

(c) vehicles of certain models;

(d) vehicles of certain classes;

(e) vehicles with certain dimensions; or

(f) such vehicles as may be determined by the MEC concerned.

133. Conditions for provisionally registered testing stations

(1) The registration of testing stations registered provisionally, shall lapse upon 1 January 2000 with respect to grade B-testing stations.

(2) Upon the lapse of the provisional registration referred to in subregulation (1), if the requirements contemplated in regulation 129 have-

(a) been fulfilled, the testing station shall be registered in terms of regulation 130(2)(a); or

(b) not been fulfilled, the provisional registration of such testing station shall be cancelled in terms of section 40 of the Act.

134. Manner of suspension or cancellation of registration of testing station

(1) The MEC must, upon being notified that a registered testing station or a provisionally registered testing station does not comply with the provisions of regulation 129, or upon a recommendation as contemplated in regulation 135(1)(d), immediately request the inspectorate of testing stations to investigate such testing station.

(2) The MEC shall, in considering the suspension or cancellation of the registration of a testing station-

(a) notify the management representative identified in terms of regulation 128, of the failure of such testing station to comply with the requirements of regulation 129; and

(b) demand from such management representative 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 is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the management representative and may

(a) suspend; or

(b) cancel, the registration of such testing station.

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

(a) notify such testing station of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and

(b) give notice in the Provincial *Gazette* of the suspension or cancellation referred to in paragraph (a).

(5) The management representative of a testing station, the registration of which has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC-

(a) the certificate of registration referred to in regulation 130(2)(a)(iii) issued in respect of such testing station;

(b) any certificates held but not issued by such testing station; and

(c) a reconciliation of forms held and issued, and blank forms.

135. Powers and duties of the inspectorate of testing stations

(1) The inspectorate of testing stations-

(a) shall, in terms of regulation 130, evaluate a testing station as required in code of practice SABS 0216 “Vehicle test station evaluation”, and make a recommendation to the MEC with respect to

(i) the suitability of such testing station for registration; and

(ii) the grading of such testing station;

(b) shall, in respect of every registered or provisionally registered testing station, conduct at least one inspection per year to monitor the standards applied at such testing station;

(c) may advise any registered or provisionally registered testing station on the improvement and maintenance of testing facilities and procedures;

(d) shall, when necessary, recommend to the MEC the suspension or cancellation of the registration of a testing station; and

(e) may investigate the activities of a registered or provisionally registered testing station.

(2) A person who acts on behalf of the inspectorate of testing stations, may at any reasonable time, having regard to the provisions of code of practice SABS 0216 "Vehicle test station evaluation" and code of practice SABS 047 testing of motor vehicles for roadworthiness

(a) inspect, examine or test any motor vehicle; and

(b) without prior notice -

(i) enter the premises of any testing stations

(ii) inspect any records of the testing station referred to in item (i); and

(iii) question any person with regard to any matter relating to the operation of the testing station referred to in item (i).

(Reg. 135 not yet in operation)

136. Fee to defray expenditure incurred by inspectorate of testing stations

(1) Subject to subregulation (2), a registered or provisionally registered testing station shall pay to the inspectorate of testing stations a fee in respect of each application in respect of which an examination and test was done in relation to the roadworthiness of a vehicle, by such testing station.

(2) The fee referred to in subregulation (1) shall be calculated at three percent of the fee determined by the MEC of the province concerned in respect of the transactions referred to in subregulation (1) above.

(3) The fee collected in terms of subregulation shall be retained at the said testing station and paid to the inspectorate of testing stations on 1 January and 1 July of each year in respect of the examinations and tests performed during the preceding six months.

(4) The inspectorate of testing stations shall submit to the Director-General not later than 1 June of each year a statement of fees received and costs incurred by or on behalf of such inspectorate for the period 1 April to 31 March of the preceding year.

(Reg. 136 not yet in operation)

137. Testing stations authorised to examine and test certain motor vehicles

Subject to its conditions of registration and to regulation 132 a testing station which is a-

(a) grade A-testing station is authorised to examine and test a motor vehicle of any class in terms of regulation 140 for roadworthiness; or

(b) grade B-testing station is authorised to examine and test a motor vehicle of any class, except for a goods vehicle or bus the gross vehicle mass of which exceeds 3 500 kilograms.

138. Certification of roadworthiness required in certain circumstances

(1) Subject to subregulations (2) and (3), a registering authority shall not issue a licence disc in respect of a-

(a) used motor vehicle of which the owner has changed;

(b) motor vehicle in respect of which a notice to discontinue operation was issued as referred to in section 44 of the Act;

(c) motor vehicle built up from parts by a builder who is not required to be registered as such under these regulations;

(d) motor vehicle referred to in regulation 31 (1), which was reconstructed or altered;

(e) motor vehicle imported into the Republic by an importer who is not required to be registered as such under these regulations;

(f) motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer which is not registered in terms of regulation 40(2);

(fA) motor vehicle referred to in regulation 41 (b)(ii);

(g) motor vehicle referred to in regulation 142(1), in respect to which a roadworthy certificate must be held;

(h) motor vehicle referred to in regulation 8(2)(e) in respect of which the certificate referred to in that regulation does not contain the model number referred to in that regulation;

(i) motor vehicle which has been found to be unroadworthy as referred to in regulation 147(6)(a); or

(j) motor vehicle regarded to be unroadworthy in terms of regulation 147(7)(a) due to no reaction within 35 days after issue of a notice referred to in that regulation,

unless such motor vehicle is certified to be roadworthy as referred to in regulation 141(2), within a period of six months prior to such vehicle being licensed.

(2) The provisions of subregulation (1)(a) and (g) shall not apply in respect of a-

(a) motor vehicle which was stolen and of which an insurance company has after the recovery thereof become the owner in terms of an insurance policy;

(b) motor vehicle referred to in regulation 6(c) which was repossessed;

(c) motor vehicle referred to in regulation 21(1) or 21(5), which is specially classified in respect of the payment of motor vehicle licence fees; or

[Para. (c) amended by Gen N 2116/2002 w.e.f. 1/1/2002]

(d) .....

[Para. (d) deleted by GN R1341/2003]

(3) The provisions of subregulation (1)(a) shall not apply in respect of-

(a) a motor vehicle acquired from a deceased spouse;

(b) a motor vehicle of which the owner changes due to-

(i) the reconstruction of a company;

(ii) the amalgamation of companies;

(iii) the takeover of a company;.

(iv) a scheme of arrangement in terms of section 311 to 313 of the Companies Act, 1973 (Act No. 61 of 1973); or

(v) the reconstruction of a close corporation,

if, in the circumstances referred to in item (i), (ii) (iii) or (iv) a board resolution or member resolution of the company who is the registered owner of such motor vehicle, as the case may be, sanctioning such reconstruction, amalgamation or takeover, or in the circumstances referred to in item (iv) the court order sanctioning such scheme of arrangement, is submitted to the registering authority concerned;

(c) a motor vehicle other than a motor vehicle referred to in regulation 142(1) of which the owner has changed within six months after the date of liability for the first licensing of such motor vehicle; or

(d) a motor vehicle in the case of which the branch of a business or body of persons is deemed to be the title holder or owner thereof in terms of regulation 6(a), where another branch of that business or body of persons becomes the owner or title holder.

139. Manner of application for certification of roadworthiness

(1) An application for the certification of roadworthiness as referred to in regulation 138 shall be made on form ACR as shown in Schedule 2 at an appropriately graded testing station and shall be accompanied by-

(a) the acceptable identification of the applicant; and

(b) the appropriate fees as determined by the MEC of the province concerned, or in the case where such testing station is not under the control of a registering authority, as determined by such testing station.

(2) On receipt of an application referred to in subregulation (1), the testing station concerned shall determine the date, time and place for the examination and testing of the motor vehicle concerned.

140. Examination and testing of motor vehicle for roadworthiness

(1) An appropriately graded examiner of vehicles shall examine and test the motor vehicle referred to in regulation 139(2) as prescribed in code of practice SABS 047 “Testing of motor vehicles for roadworthiness”.

(2) (a) A motor vehicle presented for an examination and test shall be clean and all parts
to be examined shall be free from excessive grease, oil and dirt.

(b) If a motor vehicle to which regulations 273 to 283 applies is presented for an examination and test, the containment system of such motor vehicle shall be purged so that the vehicle can be safely examined and tested and re-filled with any other substance.

(c) A motor vehicle equipped with full air braking systems registered for the first time on or after 15 July 1987, shall be presented for an examination and test with test connections designed in accordance with standard specification SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, fitted to the front circuit and before and after any load sensing valve, and such test connections shall be in good working order.

141. Manner of certification of roadworthiness

(1) The examiner of vehicles shall, after the examination and testing of a motor vehicle, provide the applicant with the original form RTS as shown in Schedule 2.

(2) If the examiner of vehicles is satisfied that the motor vehicle is roadworthy and that the chassis number or engine number of the motor vehicle has not been tampered with, obliterated, mutilated or altered, the testing station shall upon

payment of the appropriate fee as determined by the MEC of the province concerned, or in the case where such testing station is not under the control of a registering authority, as determined by such testing station,

(a) certify that the motor vehicle is roadworthy by-

(i) in the case of a motor vehicle registered in the Republic, updating the particulars pertaining to such motor vehicle in the register of motor vehicles; or

(ii) in the case of a motor vehicle not registered in the Republic, issuing the applicant with form CRW, as shown in Schedule 2; and

(b) if the motor vehicle is registered in the Republic, advise the applicant that the motor vehicle is to be licensed.

[Subreg. (2) substituted by GN R1341/2003]

(3) (a) If the chassis number or engine number of the motor vehicle referred to in subregulation (2) has, in the opinion of the examiner of vehicles, been tampered with, obliterated, mutilated or altered, the applicant referred to in subregulation (1) shall submit a South African Police Service clearance in respect of such vehicle.

(b) Upon submission of the South African Police Service clearance, the testing station shall, if satisfied that the motor vehicle is roadworthy, certify the motor vehicle as roadworthy as contemplated in subregulation (2).

(4) If the examiner of vehicles is not satisfied that the motor vehicle is roadworthy, such examiner may allow the applicant, within a period fixed by him or her, but not exceeding 14 days after the date of such examination and testing, to remedy any defect in such vehicle, and if such examiner of vehicles is thereafter so satisfied, he or she shall act in terms of subregulation (2).

(5) Notwithstanding the provisions of subregulation (2), an examiner of vehicles authorised thereto in writing by the testing station concerned may, at any time before the motor vehicle, which is being or has been examined and tested for roadworthiness, is returned to the applicant, examine or re-examine such motor vehicle, and for that purpose-

(a) he or she shall be deemed to be the examiner of vehicles referred to in that subregulation; and

(b) any prior action taken by an examiner of vehicles in respect of such motor vehicle shall be deemed to be of no force and effect.

(6) No person shall wilfully or negligently certify that a motor vehicle is roadworthy if such motor vehicle is not roadworthy.

(7) If a person wilfully or negligently certifies that a motor vehicle is roadworthy when such motor vehicle is not roadworthy, such certification shall be null and void.

(8) No person shall remove, replace or alter the components of a motor vehicle so that the roadworthiness of such motor vehicle is affected if such motor vehicle was certified to be roadworthy, except in the normal course of maintenance or use thereof.

142. Certain classes of motor vehicles requiring roadworthy certificate

(1) A roadworthy certificate shall be required for

(a) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;

(b) a breakdown vehicle;

(bA) a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274: Provided that this provision shall become effective to motor vehicles with a gross vehicle mass of 3 500 kilograms and under, as from 1 December 2001.

[Para. (b) inserted by GN R726/2001]

(c) a bus;

(d) a minibus-

(i) the gross vehicle mass of which exceeds 3 600 kilograms; or

(ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver; or

(e) a motor vehicle used for the conveyance of persons for reward.

(2) The provisions of subregulation (1) shall not apply to a

(a) motor vehicle referred to in regulation 138(2)(c) or a trailer drawn by a tractor;

[Para. (a) substituted by GN R1341/2003]

(b) motor vehicle which is operated under the authority of a motor trade number, special permit or temporary permit;

(c) hearse; or

(d) motor vehicle owned by the South African Police Service or South African National Defence Force and is designed for combat support and by virtue of such design, does not comply with the provisions of Parts II, III, and IV of Chapter VI.

143. Issue of roadworthy certificate

(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.

[Subreg. (1) amended by GN R1066/2005]

(2) Subject to section 42(5) of the Act, in the case of a motor vehicle which is not registered in the Republic, form CRW as shown in Schedule 2 issued in terms of regulation 141(2)(b) shall be deemed to be a roadworthy certificate for a period of 12 months from the date of issue thereof.

144. Voidness of roadworthy certificate

(1) Any roadworthy certificate issued contrary to the provisions of this Chapter shall be void.

(2) A roadworthy certificate issued in respect of a motor vehicle shall become void where such motor vehicle is altered in such a manner that the roadworthy

certificate no longer correctly describes such motor vehicle; or (b) such alteration affects the terms and conditions of such certificate.

[Subreg. (2) amended by GN R1341/2003 w.e.f. 1/6/2004]

(3) …….

[Subreg. (3) deleted by GN R1341/2003 w.e.f. 1/6/2004]

(4) …….

[Subreg. (4) deleted by GN R1341/2003 w.e.f. 1/6/2004]

(5) …….

[Subreg. (5) deleted by GN R1341/2003 w.e.f. 1/6/2004]

(6) …….

[Subreg. (6) deleted by GN R1341/2003 w.e.f. 1/6/2004]

(7) The owner of a motor vehicle, shall upon notice that the roadworthy certificate in respect of such motor vehicle is void, immediately destroy the licence disc issued in respect of such motor vehicle and return form RTS and form CRW as shown in Schedule 2, if applicable, to the testing station concerned.

(8) The testing station shall advise the registering authority in whose area of jurisdiction such testing station is situated that the roadworthy certificate is void and such registering authority may require a traffic officer or an inspector of licences to locate and inspect the motor vehicle concerned to ensure that the licence disc issued in respect of such motor vehicle has been destroyed.

145. Period of validity of roadworthy certificate

(1) A roadworthy certificate issued in respect of a motor vehicle contemplated in regulation 142(1), shall be valid from the date of issue thereof until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22.

(2) Notwithstanding anything to the contrary contained in these Regulations, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date on which liability for the licensing of such motor vehicle arose in terms of regulation 23(1), be operated on a public road while the licence number allocated to such motor vehicle and the licence disc and roadworthy certificate issued in respect of such motor vehicle prior to the date on which the motor vehicle licence

and licence disc and roadworthy certificate became null and void, are displayed in the manner contemplated in regulations 35 and 36.

146. Provisions of Act to prevail

In the event of any conflict between the conditions of a roadworthy certificate and any provision of the Act, the latter shall prevail.

147. Notice in terms of section 3F(a) or section 3I(a) of Act to direct that motor vehicle be taken to testing station

(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 DVT as shown in Schedule 2 to direct that a motor vehicle be produced at a testing station for inspection, examination or testing.

[Subreg. (1) amended by GN R1066/2005]

(2) The said notice shall-

(a) specify the testing station to which the vehicle shall be taken, but the testing station shall either be under the control of a registering authority, or shall not be under such control, whichever the person to whom the notice is issued, prefers; and

(b) indicate the period within which the vehicle shall be taken to the testing station, but such period shall not exceed 14 days.

(3) The inspector of licences or traffic officer concerned shall ensure that the particulars of the motor vehicle concerned is updated in the register of motor vehicles to the effect that a notice has been issued in terms of this regulation with respect to the vehicle and that the inspector or officer is of the opinion that the vehicle does not comply with the requirements for certification of roadworthiness.

(4) The inspector of licences or traffic officer concerned shall forward a copy of the notice to the testing station referred to in subregulation (2)(a).

(5) The motor vehicle concerned shall be taken, accompanied by the notice, to the said testing station within the period referred to in subregulation (2)(b) to have that notice revoked.

(6) The examiner of vehicles at the said testing station shall inspect, examine or test the vehicle free of charge, and shall-

(a) if the vehicle is found to be unroadworthy, destroy the licence disc or licence and roadworthy certificate disc in force in respect of such vehicle, complete the notice or a copy of it, and return it to the traffic officer or inspector of licences; or

(b) if the vehicle is found to be roadworthy, cancel the notice and notify the traffic officer or inspector of licences accordingly.

(7) The traffic officer or inspector of licences shall ensure that the particulars of the motor vehicle is updated in the register of motor vehicles to the effect-

(a) where subregulation (6)(a) applies, or if no reaction has been received with respect to the notice for a period of 35 days from the date of issue of it, that the motor vehicle is unroadworthy; or

(b) where subregulation (6)(b) applies, that the notice issued in terms of section 3F(a) or section 3I(a) of the Act, has been cancelled.

(Reg. 147 not yet in operation)

148. Notice in terms of section 44 of Act to discontinue operation of motor vehicle

(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 NTD as shown in Schedule 2, to direct that a vehicle shall not be operated on a public road or only 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.

(2) The said notice may contain conditions to the effect that the vehicle may be operated on a public road for a specified period, which may not exceed 14 days, subject to limitations with respect to speed, route or any other limitation determined by the traffic officer, or examiner of vehicles acting in conjunction with a traffic officer.

(3) The traffic officer, or examiner of vehicles acting in conjunction with a traffic officer, shall ensure that the particulars of the vehicle concerned is updated in

the register of motor vehicles to the effect that a notice in terms of section 44 of the Act has been issued with respect to the vehicle, that the vehicle may not be operated on a public road and that the vehicle does not comply with the requirements for certification of roadworthiness.

(4) The motor vehicle concerned shall be taken to a testing station where the vehicle shall be dealt with in the manner contemplated in regulations 139, 140 and 141.

Part II

Equipment on or in respect of vehicles

149. Brakes on motor vehicles

No person shall operate on a public road a motor vehicle, other than a motorcycle, motor tricycle, motor quadrucycle 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, the brakes may be so constructed that the service brake may be used as a parking brake.

149A. Anti-theft device fitted to brakes prohibited

No person shall operate on a public road a motor vehicle which, according to the registration

certificate thereof, was registered for the first time on or after 1 July 1990, to which is fitted an anti-theft device which is connected to or in anyway interferes with the braking system of such vehicle.

150. Brakes on motor cycle, motor tricycle or motor quadrucycle

No person shall operate on a public road a motorcycle, motor tricycle or motor quadrucycle which is not equipped with two independent braking systems, one of which shall act on the front wheel or wheels and the other which shall act on the rear wheel or wheels and each such system shall have an efficiency at least equivalent to that specified for an emergency brake and when the two systems are applied simultaneously, the combined efficiency shall be at least equivalent to that specified for a service brake.

151. Brakes on trailers

(1) Subject to the provisions of subregulation (4) no person shall operate on a public road a trailer, if-

(a) the gross vehicle mass of such trailer does not exceed 750 kilograms and the gross vehicle mass -

(i) does not exceed half the tare of the drawing vehicle, unless such trailer is equipped with a parking brake or other device to keep such trailer stationary;

(ii) exceeds half the tare of the drawing vehicle but does not exceed such tare, unless such trailer is equipped with a parking brake and either a service brake or an overrun brake; or

(iii) exceeds the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and a service brake;

(b) the gross vehicle mass of such trailer exceeds 750 kilograms but does not exceed 3 500 kilograms and the gross vehicle mass -

(i) does not exceed the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake; or

(ii) exceeds the tare of the drawing vehicle, unless the trailer is equipped with a parking brake and a service brake;

(c) the gross vehicle mass of the trailer exceeds 3 500 kilograms, unless such trailer is equipped with a parking brake and a service brake,

and where more than one trailer is drawn by a drawing vehicle, the foregoing requirements shall apply in respect of each such trailer, and in such event the gross vehicle mass shall be construed as the total of the gross vehicle mass of all trailers so drawn.

[Subreg. (1) substituted by GN R1341/2003]

(2) The service brake of a trailer shall be capable of being operated by the driver of the drawing vehicle while such trailer and drawing vehicle are in motion.

(3) If the service or overrun brake of a trailer is capable of being used as a parking brake, a separate parking brake need not be fitted to such trailer.

(4) Notwithstanding subregulation (1)(c), if a trailer referred to in that subregulation is drawn by a tractor and such tractor is not designed for or capable of operation at a speed exceeding 35 kilometres per hour on a reasonably level road, such trailer may be equipped with an overrun brake in lieu of a service brake.

152. Brakes on pedal cycles

No person shall operate on a public road any pedal cycle unless it is equipped with at least one brake which shall operate on the rear wheel or wheels.

153. Brakes on unspecified vehicles

No person shall operate on a public road any vehicle for which no specific braking system is prescribed in regulations 149 to 156, unless it is equipped with a parking brake or other device for keeping such vehicle stationary.

154. Specifications for brakes

(1) Subject to the provisions of subregulation (2), no person shall, after 1 January 1995, operate on a public road, a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus, bus or tractor which was registered for the first time on or after 1 January 1986, unless the brakes fitted to such vehicle comply with the standard specification SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, the standard specification SABS 1051 “Motor Vehicle Safety Specification for Braking” or, in the case of a trailer with a

gross vehicle mass exceeding 3500 kilograms and registered for the first time on or after 14 February 2004, the specification SABS ECE R13 “Uniform provision concerning approval of vehicle categories N, M and O with regard to braking”.

[Subreg. (1) substituted by GN R881/2004]

(2) No person shall operate on a public road a tractor which is not designed for, or capable of operating at a speed exceeding 35 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 SABS 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 SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, or the standard specification SABS 1051 “Motor Vehicle Safety Specification for Braking”.

(3) a minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, and registered for the first time after 04 September 2006, shall comply with the requirements of the Type II test contemplated in SANS 1207 “Braking” or SANS 20013 “ Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to Braking”.

[Subreg. (3) added by GN 871/2005 and GN R891/2006]

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 35 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 35 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 35 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 vehicles which is not capable of exceeding a speed of 35 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 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 35 km/h

	Initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

Maximum initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

	Initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

Maximum initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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; or

(b) a suitable mechanical test; or

(c) both tests contemplated in paragraphs (a) and (b).

(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 3 500 kilograms; or

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

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

156. Condition and operation of brakes

(1) A brake required in terms of these regulations, shall-

(a) be in good working order and condition whenever the vehicle to which it is fitted is operated on a public road; and

(b) when tested in terms of regulation 155, except in the case of a motor cycle with side-car, act with approximately equal intensity on the wheels

symmetrically placed in relation to the longitudinal centre-line of the vehicle.

(2) No person shall operate on a public road a motor vehicle equipped with a service brake which is operated solely by air or vacuum pressure, unless there is fitted in the driving compartment of such vehicle a device (other than a gauge indicating pressure) whereby the driver of the vehicle is given visible or audible warning of incorrect air or vacuum pressure before the pressure becomes such that the brake is incapable of stopping the vehicle as contemplated in regulation 155.

(3) If a drawn vehicle is equipped with a service brake operated solely by air or vacuum pressure, the device referred to in subregulation (2) shall be fitted in the driving compartment of the drawing vehicle.

157. Vehicles to be equipped with certain lamps and times when certain lamps to be lighted

(1) No person shall operate on a public road a motor vehicle unless-

(a) all lamps fitted to a motor vehicle as contemplated in regulations 159 to 184, are undamaged, properly secured, and capable of being lighted at all times; and

(b) the head lamps, rear lamps and number plate lamps are kept lighted during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres: Provided that the provisions of this paragraph shall not apply to a motor vehicle parked off the roadway of a public road or in a parking place demarcated by appropriate road traffic signs or within a distance of 12 metres from a lighted street lamp illuminating the public road on which such vehicle is parked.

(2) No person shall operate on a public road a motor cycle, a motor cycle with a side car, a motor tricycle or motor quadrucycle, unless the headlamp of such vehicle is lighted at all times: Provided that the provisions of this subregulation shall not apply to a motor cycle, motor cycle with side car, motor tricycle or motor quadrucycle manufactured before 31 December 1960 which is used only during the period from sunrise to sunset.

(3) A person operating a motor vehicle on a public road shall extinguish the main-beam of the light emitted by the head lamp of such vehicle if such main-beam could cause a dangerous glare to oncoming traffic.

158. Visibility distance of lights

(1) Where provision is made in regulations 157 to 184, as to the distance from which certain lights and devices shall render objects visible or the distance within which such lights or devices shall be visible, such provision shall apply during the times stated in regulation 157(1)(b) in respect of a vehicle when upon a straight, reasonably level, unlighted public road in clear weather, unless a different time or condition is expressly stated.

(2) Every lamp required to be fitted or to be used in terms of any of these regulations shall emit a light of sufficient brilliance to be visible from a distance of at least 150 metres to a person of normal eyesight.

159. Head lamps

(1) No person shall operate on a public road-

(a) a motor vehicle, other than a motor cycle, a motor tricycle with one wheel in front or trailer, unless it is equipped in front on each side of its longitudinal centre-line with-

(i) one head lamp capable of emitting a main-beam and a dipped-beam;

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam; or

(iii) one head lamp contemplated in item (i) or head lamps contemplated in item (ii) and an additional head lamp capable of emitting a main-beam;

(b) a motor cycle without a side-car or a motor tricycle with one wheel in front, unless it is equipped in front with-

(i) one head lamp capable of emitting a main-beam and a dipped-beam,

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam, both of which are fitted in the same vertical plane; or

(iii) two headlamps, each capable of emitting a main-beam and a dipped-beam, both of which are fitted in the same horizontal plane, or

(c) a motor cycle with a side-car, unless-

(i) the motor cycle is equipped in front with one head lamp contemplated in paragraph (b)(i) or head lamps contemplated in paragraph (b)(ii) or (iii); and

(ii) the side-car is equipped with one parking lamp which complies with the provisions of regulation 164 or with one head lamp contemplated in paragraph (b)(i), subject to the proviso to regulation 161 (4)(a).

(2) At least one head lamp contemplated in subregulation (1)(a) capable of emitting a dipped-beam or a parking lamp complying with the provisions of regulation 164 shall be so fitted on each side of the longitudinal centre-line of the motor vehicle concerned that the portion of the illuminating surface thereof furthest from the longitudinal centre-line of the motor vehicle is not more than 400 millimetres from the outer edge of the front of the motor vehicle.

(3) The main-beam and dipped-beam of a head lamp fitted to a motor vehicle first registered on or after 1 January 2002, shall comply with the requirements of standard specification SABS 1046 “Motor vehicle safety specification for lights and light signalling devices installed on motor vehicles and trailers”, and standard specification SABS 1376 “Lights for motor vehicles”, Part 2: “Head lights”.

160. Main-beam

Every head lamp emitting a main-beam of light shall be so adjusted and maintained that-

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 100 metres ahead; and

(b) it can be extinguished by the use of a device which simultaneously shall cause or allow the dipped-beam of light to be emitted or continue to be emitted from a head lamp.

161. Dipped-beam

(1) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a beam pattern with a sharp, clearly defined cut-off line diagonal to the left (hereinafter referred to as the "diagonal cut-off line") and horizontal to the right (hereinafter referred to as the "horizontal cut-off line"), shall be so adjusted and maintained that, when the motor vehicle concerned is on a reasonably level road such beam at the horizontal cut-off line shall-

(a) slant downwards at a percentage inclination of at least 0,5 percent which percentage inclination shall be calculated in accordance with the formula-

$$\frac{(h_1-h_2)}{L} \times 100, \text{ and}$$

(b) strike the road surface ahead of the motor vehicle within a distance in metres calculated in accordance with the formula $200 \times h_1$

(2) In the formulae referred to in subregulation (1)-

(a) "h_1" represents the height in metres of the head lamp measured to the centre of the head lamp vertically from ground level;

(b) "h_2" represents the height in metres of the horizontal cut-off line measured vertically from ground level at the screen contemplated in subregulation (1); and

(c) "L" represents the distance in metres of the screen contemplated in subregulation (1) measured horizontally from the head lamp as illustrated hereunder.

Click here to see image

(3) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a symmetrical light-pattern or does not have a diagonal and horizontal cut-off line, shall be so adjusted and maintained that when the motor vehicle concerned is on a reasonably level road, the centre of the intense part of such beam shall slant downwards to strike the road surface ahead of the motor vehicle within a distance not exceeding 45 metres.

(4) Every head lamp emitting a dipped-beam of light shall be so adjusted and maintained that-

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 45 metres ahead of the motor vehicle: Provided that the provisions of this paragraph shall not apply to a head lamp emitting a dipped-beam of light fitted to the side-car of a motor cycle;

(b) it does not cause a dangerous glare to oncoming traffic on a reasonably level road; and

(c) the intersection of the diagonal and horizontal cut-off lines of a dipped-beam referred to in subregulation (1), or the centre of the intense part of a dipped beam referred to in subregulation (3), shall not deflect to the right.

161A. Daytime running lamp

(1) Any motor vehicle, except a trailer, may be fitted with daytime running lamps.

(2) Daytime running lamps shall be fitted-

(a) not less than 250 millimetres or more than one comma five metres above the ground level; and

(b) towards the front of the motor vehicle in such a manner that the light emitted from such lamp does not cause discomfort to the driver, either directly or indirectly through any of the rear-view mirrors or any other reflecting surfaces of such vehicle.

(3) Daytime running lamps shall be connected in such a manner-

(a) that the rear lamps are on at the same time as the daytime running lamps; and

(b) that they switch off automatically when the head lamps are switched on, except when the headlamps are used to give intermittent luminous warnings at short intervals.

162. Lights to be displayed on stationary or parked motor vehicle

Subject to the proviso to regulation 157(1)(b), no person shall on a public road stop or park a motor vehicle unless-

(a) the head lamps thereof emit a dipped-beam of light complying with the provisions of regulation 161 or a beam of light complying with the provisions of regulation 164 is emitted from parking lamps incorporated in such head lamps; or

(b) if the head lamps thereof are extinguished, light is emitted from two fog lamps or parking lamps complying with the provisions of regulation 163 or 164, respectively.

163. Fog lamps

(1) A motor vehicle may be equipped at the front and at the rear or at the front or rear with-

(a) one fog lamp; or

(b) two fog lamps, one on each side of the longitudinal centre-line of the motor vehicle.

(2) No person shall operate on a public road a motor vehicle which, in terms of subregulation (1) is equipped with a fog lamp or fog lamps, unless-

(a) every fog lamp at the front is so adjusted and maintained that it shall only be capable of emitting a dipped-beam of light complying with the provisions of regulation 161(3) and (4); or

(b) the fog lamp or lamps at the rear can only be brought into operation when any fog lamp at the front or any head lamp of such vehicle is brought into operation.

(3) No fog lamp contemplated in subregulation (1) shall be fitted-

(a) at the front of a motor vehicle with the highest point of its illuminating surface above the highest point of the illuminating surface of a head lamp emitting a dipped-beam of light; or

(b) at the rear of a motor vehicle with the lowest point of its illuminating surface less than 250 millimetres and the highest point thereof more than one metre from ground level.

(4) If -

(a) a motor vehicle, other than a motor cycle and motor tricycle with one wheel in front, is in terms of subregulation (1)(a) equipped with one fog lamp at the front, a parking lamp or parking lamps complying with the provisions of regulation 164, shall be fitted to the motor vehicle concerned in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamp; or

(b) a motor vehicle is in terms of subregulation (1)(b) equipped with two fog lamps at the front and any such lamp is so placed that the portion of its illuminating surface which is furthest from the longitudinal centre-line of the motor vehicle, is further than 400 millimetres from the outer edge of the front of such vehicle, a parking lamp or parking lamps complying with the provisions of regulation 164 shall be fitted to the motor vehicle and in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamps.

(5) No fog lamp shall be fitted to the side-car of a motor cycle at the front, unless the motor cycle concerned is equipped with a fog lamp complying with the provisions of this regulation or with a parking lamp complying with the provisions of regulation 164 and which can be brought into operation simultaneously with the fog lamp on the side-car: Provided that if a fog lamp is only fitted to the motor cycle at the front, the side-car shall be equipped with one parking lamp referred to in regulation 159(1)(c)(5) and such parking lamp shall be capable of being brought into operation simultaneously with such fog lamp.

(6) No person shall operate on a public road, a motor vehicle while any fog lamp fitted to such vehicle is lit, except in conditions of poor visibility caused by snow, fog, mist, dust or smoke.

164. Parking lamps

(1) A motor vehicle may be equipped-

(a) in front with one or two parking lamps which shall be visible directly from the front;

(b) at the rear with one or two parking lamps which shall be visible directly from the rear; or

(c) at each side with one parking lamp which shall be visible directly from the front and from the rear.

(2) Any parking lamp-

(a) contemplated in subregulation (1)(a), may form part of a head lamp contemplated in regulation 159, a fog lamp contemplated in regulation 163 or a front position lamp contemplated in regulation 166; and

(b) contemplated in subregulation (1)(b), may form part of a fog lamp contemplated in regulation 163, a rear lamp contemplated in regulation 168 or a stop lamp contemplated in regulation 169.

(3) If a motor vehicle is, in terms of subregulation (1), equipped at the front or at the rear with-

(a) one parking lamp, such lamp shall be fitted on the right side of the motor vehicle; or

(b) two parking lamps, one parking lamp shall be fitted on each side of the longitudinal centre-line of the motor vehicle, so that the portion of the illuminating surface thereof furthest from the longitudinal centre-line of the motor vehicle is not further than 400 millimetre from the outer-edge of the front or rear of the motor vehicle, as the case may be: Provided that in the case of a motor vehicle registered prior to 1 July 1990 the portion of

illuminating surface of the parking lamp furthest from the longitudinal centre-line of the motor vehicle may be not further than 500 millimetres from the outer-edge of the front or rear of the motor vehicle.

165. When parking lamps to be kept lighted

(1) No person shall operate on a public road a motor vehicle if on any side of the longitudinal centre-line thereof no head lamp in use is so placed that the portion of its illuminating surface furthest from such centre-line is within 400 millimetres from the outer-edge of the front of the vehicle, unless a parking lamp fitted to that side of the vehicle and complying with regulation 164 is kept lighted.

(2) No person shall operate on a public road a motor vehicle of which only the parking lamps are lighted while such vehicle is in motion.

166. Front-position lamps

(1) No person shall operate on a public road a motor vehicle or a combination of motor vehicles, other than a motor cycle, if any of the outer edges of the widest part of such vehicle or combination or any load thereon projects more than 400 millimetres beyond the illuminating surface of any outermost lamp to the front of such vehicle or combination of motor vehicles which is nearest to such edge, unless there is fitted on each side of such widest part one front-position lamp which shall be visible directly from the front.

(2) The front position lamps contemplated in subregulation (1)-

(a) shall be fitted as near as possible to, but not more than 400 millimetres, or in the case of a trailer, converter dolly or adapter dolly not more than 150 millimetres, from the outer-edges of the widest part of the motor vehicle or combination of motor vehicles concerned or any load thereon, and shall not be less than 350 millimetres or more than two comma one metres above the ground level: Provided that a motor vehicle first registered prior to 1 January 1985 may have such lamps fitted less than 350 millimetres above the ground but such lamps shall be fitted as high as possible; and

(b) shall emit a white light.

167. End-outline-marker lamps

(1) A motor vehicle may be equipped-

(a) in front on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the front; and

(b) at the rear on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the rear.

(2) The end-outline-marker lamps contemplated in subregulation (1)-

(a) shall be fitted as near as possible to the outer-edges of the front and rear of the motor vehicle concerned and as high as possible; and

(b) shall emit a white light to the front and a red light to the rear.

168. Rear lamps

(1) No person shall operate a motor vehicle on a public road, excluding a motor vehicle which was first registered before 1 January 1981, a motor cycle or a motor tricycle, unless such motor vehicle is fitted with at least one lamp on each side at the rear-

(a) emitting a red light to the rear with a minimum intensity of two candelas;

(b) positioned not further than 400 millimetres from the outer edges of the widest part of such motor vehicle; and

(c) positioned not lower than 350 millimetres or higher than one and a half metres above ground level, but if it is not practical, or impossible due to the structure of the vehicle to position such lamps within one and a half metres above ground level, not higher than two comma one metres above ground level.

(2) A motor vehicle which was first registered before 1 January 1981 may be fitted with such lamps in such positions as are prescribed in subregulation (1), but shall be fitted with at least one lamp at the rear, emitting a red light to the rear with a minimum intensity of two candelas, positioned in the centre or to the right of the longitudinal centre-line of such vehicle, not lower than 300 millimetres and not higher than two comma one metres above ground level.

(3) No person shall operate a motor cycle or a motor tricycle on a public road unless such motor cycle or motor tricycle is fitted with such a lamp in such a position at the rear as prescribed in subregulation (2).

(4) Rear lamps fitted to motor vehicles in addition to those prescribed in this regulation may be fitted higher than two comma one metres above ground level.

(5) A motor vehicle which is towed by a breakdown vehicle shall be fitted with a separate temporary set of rear lamps while such motor vehicle is being towed.

169. Stop lamps

(1) No person shall operate a motor vehicle, other than a trailer drawn by a tractor or a tractor, on a public road unless it is fitted with at least one stop lamp on each side at the rear of the motor vehicle, and in the case of a motor cycle one stop lamp at the rear, which shall-

(a) be visible from the rear and shall be unobscured within angles of-

(i) 45 degrees measured across the width of the motor vehicle on either side of a line parallel to the longitudinal centre-line of the motor vehicle and passing through the centre-line of each stop lamp, and

(ii) 15 degrees measured vertically on either side of a horizontal line parallel to the longitudinal centerline of the motor vehicle and passing through the centre-line of each stop lamp but if the height of the stop lamp above ground level is less than 750 millimetres, such angles, measured below such horizontal line, may be reduced to five degrees;

(b) be fitted at a height of not less than 300 millimetres and not more than two comma one metres above ground level, measured to the centre of the lamp: Provided that additional stop lamps may be fitted above two comma one metres;

(c) be fitted equidistant from, and on each side of, the longitudinal centre-line of such motor vehicle;

(d) when in use, emit light the colour of which shall be red and the intensity of which shall be greater than that of the light emitted by the rear lamp on the motor vehicle and shall be visible in normal sunlight at a distance of not less than 30 metres to a person of normal eyesight;

(e) be so connected that, if the motor vehicle is in motion, such lamp shall come into operation as soon as the operating device of the service brake or similar brake of the motor vehicle or, in the case of a combination of motor vehicles, of the drawing vehicle, is activated; and

(f) be maintained in a clean condition and in good working order.

(2) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of stop lamps which is coordinated with the working of the stop lamps of the breakdown vehicle while such motor vehicle is so towed.

(3) A stop lamp complying with the provisions of subregulation (1) may be incorporated in a rear lamp fitted to a motor vehicle in terms of regulation 168.

170. Number plate lamps

(1) No person shall operate on a public road a motor vehicle, other than a tractor, unless it is fitted with at least one number-plate lamp at the rear, illuminating the number plate or identification card by means of a white light which shall make every letter and figure of such plate or card plainly distinguishable from a distance of at least 20 metres by a person of normal eyesight: Provided that a number plate lamp need not be kept lighted on a motor vehicle parked on a public road.

(2) The beam of light of a number-plate lamp shall not be directed to the rear.

171. Side-marker lamps

(1) A motor vehicle or combination of motor vehicles may, but a breakdown vehicle shall, be fitted with side-marker lamps along each side which, when in operation, shall emit a diffused yellow light: Provided that the side marker lamp furthest forward on the motor vehicle, combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused white or amber light: Provided further that the rearmost side-marker lamp on a motor vehicle or combination of

motor vehicles or breakdown vehicle, when in operation, may emit a diffused red or amber light.

(2) Such side-marker lamps shall be so placed that-

(a) there is a lamp within 400 millimetres of each end of the body of each vehicle;

(b) the distance between successive lamps on any motor vehicle or combination of motor vehicles is not more than three comma six metres;

(c) they are not less than 300 millimetres from the ground; and

(d) they face directly outwards from the side to which they are fitted in a direction at right angles to the longitudinal centre-line of the vehicle to which they are fitted.

172. Interior lamps

A lamp emitting a diffused light maybe provided on any motor vehicle for the purpose of illuminating the interior, including the instrument panel thereof, or any entrance thereto.

173. Lamp illuminating notice on motor vehicle

(1) A lamp illuminating a notice relating to the destination of a motor vehicle or its availability for hire may be fitted to any motor vehicle.

(2) A lamp illuminating a notice or token indicating the use of a motor vehicle as an ambulance, blood transfusion service, fire-fighting, police, traffic-control vehicle or a patrol service vehicle of the Automobile Association, may be fitted to such vehicle.

174. Decorating lamps

A lamp, other than a spot lamp, may be fitted to a motor vehicle taking part in a procession for the purpose of decorating it.

175. Reversing lamps

(1) A motor vehicle may be fitted with a reversing lamp emitting a white light, which illuminates the road to the rear of, or under the vehicle.

(2) Such a lamp shall be under the direct control of the driver and shall be either so fitted as to operate only when the motor vehicle is placed in reverse gear or be connected with a device by which the driver shall be made aware that the lamp is in operation.

(3) Not more than two such lamps shall be fitted to a vehicle and no light shall be emitted there from except when the vehicle is reversing or about to reverse.

176. Identification lamps

(1) A bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, and which is not a motor vehicle referred to in subregulation (2), (3) or (5), may be fitted above the windscreen with two or more identification lamps and each such lamp shall-

(a) not exceed a capacity of 21 Watts:

(b) be visible from directly in front of the motor vehicle to which it is fitted; and

(c) emit a green or amber light.

(2) An ambulance, fire-fighting or rescue vehicle may be fitted with a lamp or lamps emitting an intermittently-flashing red light in any direction.

(3) (a) Subject to paragraph (b), no person shall operate a motor vehicle fitted with, or in

or on which is displayed, a lamp or lamps emitting a blue light or capable of emitting a blue light.

(b) The provisions of paragraph (a) does not apply to a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), or a traffic officer, or a member of the South African Defence Force authorised in terms of section 87(1)(g) of the Defence Act, 1957 (Act No. 44 of 1957) to perform police functions, in the execution of his or her duties.

(c) A motor vehicle referred to in paragraph (b) may be fitted with a lamp or lamps emitting an intermittently flashing-

(i) blue light;

(ii) blue and amber light;

(iii) blue and red light; or

(iv) blue, amber and red light, in any direction which may, at the will of the driver, display the word “stop”.

(4) A motor vehicle which is-

(a) a vehicle employed in connection with the maintenance of public road;

(b) engaged in the distribution and supply of electricity;

(c) engaged in the supply of other essential public services;

(d) operated in terms of the authority granted by the MEC in terms of section 81 of the Act;

(e) a breakdown vehicle;

(f) a refuse compactor vehicle;

(g) a vehicle carrying an abnormal load and the vehicle escorting it if any, may, but a breakdown vehicle shall, be fitted with a lamp or lamps capable of emitting an intermittently-flashing amber light in any direction: Provided that such lamp shall only be used at the place where the breakdown occurred, where the maintenance or other work or an inspection is being carried out, when such breakdown vehicle is towing a motor vehicle, or in the event of a vehicle carrying an abnormal load.

(5) A motor vehicle used by a medical practitioner may be fitted above the windscreen with one lamp emitting an intermittently flashing red light in any direction: Provided that such light may only be used by such medical practitioner in the bona fide exercise of his or her profession.

(6) A vehicle driven by a person while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977), may be fitted with a lamp or lamps emitting an intermittently flashing green light in any direction.

(7) A vehicle -

(a) owned by a body or person registered as a security officer in terms of the Security Officers Act, 1987 (Act No. 92 of 1987); and

(b) driven by a security officer as defined in section 1 of the said Act in the course of rendering a security service, also defined in section 1 of the said Act,

may be fitted with a white lens bar containing a lamp or lamps emitting an intermittently-flashing diffused white light in any direction, and containing a notice illuminated by a white light containing the word “security” and the name of the owner of the vehicle in black letters: Provided that the said lamp or lamps shall not be capable of emitting a rotating or strobe light.

[Subreg. (7) inserted by Gen N 2116/2001]

177. Use of spot lamp

No person shall operate on a public road a motor vehicle if it is fitted with a spot lamp, which can be so adjusted as to enable a beam of light emitted therefrom to be deflected in any direction: Provided that a spot lamp which is adjustable-

(a) may be fitted and used for official purposes on any ambulance, rescue-, fire-fighting-, police-, or traffic-control vehicle;

(b) may be fitted to a vehicle owned by a medical practitioner or veterinarian, and used in the execution of such person’s professional duties; or

(c) may be fitted to a breakdown vehicle or a vehicle employed in connection with the supply of electricity or other public essential services: Provided that it is used solely at the scene of an accident or breakdown or for the examination of overhead telephone, telegraph or power lines.

178. Lamps on pedal cycle

(1) A pedal cycle may be fitted in front with a lamp emitting a white light, the intense part of the beam of which shall, when such pedal cycle is on a reasonably level road, strike the surface ahead of such pedal cycle at a distance of not less than three metres and not more than 30 metres.

(2) A pedal cycle may be fitted with one or more lamps emitting a red light directly to the rear.

179. Lamps on animal drawn vehicles

(1) Subject to subregulation (2), no person shall operate on a public road an animal drawn vehicle unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward, and at the rear on both sides of the body thereof, with lamps emitting a red light to the rear: Provided that in the case of a vehicle drawn by animals not controlled by reins, there shall be a person who leads the animals while he or she is carrying a lamp which emits a white light forward at the head of the foremost animal, in lieu of the lamps emitting a white light forward and a red light to the rear.

(2) The provisions of this regulation shall only apply if the vehicle referred to in subregulation (1) is used between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres.

180. Lamps on unspecified vehicles

(1) No person shall operate on a public road a vehicle, other than a perambulator, baby cart
or child's play vehicle, and which is not elsewhere provided for in regulations 157 to 184, between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres-

(a) unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward; and

(b) unless it is fitted at the rear on the extreme right side of the body thereof, with a lamp emitting a red light to the rear.

(2) A lamp contemplated in subregulation (1)(a) shall emit a beam of light of sufficient power to illuminate the roadway immediately ahead of such vehicle but shall not be of such power or design or so fitted as to cause a dangerous glare to oncoming traffic on a reasonably level road.

181. Colour of lights

(1) Subject to the provisions of regulation 170(1), 171(1), 172, 175 or 176, no person shall
operate on a public road a motor vehicle which is fitted with or carries on it a lamp which-

(a) except in the case of a brake anti-lock warning light to the front of a trailer, emits a light which is not white, amber or yellow in colour towards the front;

(b) emits a light which is not yellow or amber in colour towards either side of the motor vehicle; or

(c) except in the case of a direction indicator or reversing lamp complying with the provisions of these regulations, emits a light which is not red in colour towards the rear.

(2) When two or more lamps of the same class emitting light in the same direction are fitted to a vehicle they shall emit light of the same colour.

182. Certain lamps to emit diffused lights

Every lamp fitted to a vehicle, other than the headlamps of a motor vehicle, the front lamp of a pedal cycle, spot lamp and fog lamp, shall emit diffused light when in operation on a public road.

183. Lamps to emit steady light

Unless otherwise provided elsewhere in these regulations, a lamp fitted to any vehicle shall emit a steady light when in operation: Provided that an ambulance, rescue vehicle, fire-fighting vehicle, a motor vehicle operated by a traffic officer in the execution of his or her duties, or a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995) in the execution of his or her

duties, may be equipped with a device which enables the driver of such vehicle to operate the vehicle's head lamps in such a manner that they flash intermittently.

184. Manner in which lamps to be fitted and maintained

(1) The head lamps of a motor vehicle shall be fitted-

(a) at a height of not less than 450 millimetres and not more than one comma four metres above ground level, measured to the centre of the lamp; and

(b) not more than 500 millimetres behind the front end of the vehicle.

(2) The head lamps and fog lamps of a motor vehicle shall, unless the design of the lamps incorporates some other means of preventing a dangerous glare to oncoming traffic, not be fitted with lenses of clear glass or other like material.

(3) When two or more of the same lamps are fitted to a vehicle they shall-

(a) be placed symmetrically in relation to the longitudinal centerline of the vehicle; and

(b) except in the case of side marker lamps and direction-indicator lamps, be so placed that any lamp on the side of the vehicle concerned shall have a corresponding lamp at the same height on the other side of such vehicle.

(4) Every lamp required to be fitted to a vehicle shall be securely fixed.

(5) The lens and reflector of every lamp required to be fitted to or used in connection with any vehicle shall be maintained in an effective and reasonably clean condition.

(6) No lamp required to be fitted to or displayed in connection with a vehicle shall be totally or partially obscured by any fitting or object on the vehicle.

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

[Subreg. (7) added by GN R881/2004]

185. Lamps not prescribed or authorised, prohibited

No lamp other than a lamp prescribed or authorised in terms of these regulations shall at any time be fitted to any vehicle operated on a public road.

186. White retro-reflectors to be fitted on front of certain vehicles

(1) No person shall operate on a public road-

(a) a trailer;

(b) rickshaw; or

(c) animal-drawn vehicle, unless there are fitted, on the front of such vehicle at the same height, two white retro-reflectors, one on each side of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations.

(2) A white retro-reflector-

(a) maybe fitted to a motor vehicle, other than a trailer, in the manner contemplated in subregulation (1) and such retro-reflector shall be so placed that the portion of its reflective surface furthest from the longitudinal centreline of the vehicle is not further than 400 millimetres from the outer edge of the widest portion of the vehicle; and

(b) if fitted to any vehicle not provided for in paragraph (a), shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 150 millimetres from the outer edge of the widest portion of the vehicle.

(3) No person shall operate a pedal cycle on a public road unless there is fitted on the front of such cycle a white retro-reflector complying with the provisions of regulations 189 and 192.

187. Red retro-reflectors to be fitted on rear of certain vehicles

(1) No person shall operate on a public road-

(a) a motor vehicle, other than a motor cycle without side-car or motor tricycle with one wheel at the rear;

(b) rickshaw; or

(c) animal-drawn vehicle, unless there are fitted on the rear of such vehicle at the same height two red retro-reflectors, one on each side, of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations: Provided that in the case of a combination of motor vehicles, both the drawing vehicle and the rearmost vehicle shall be fitted with such retro-reflectors.

(2) Each retro-reflector referred to in subregulation (1) shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest part of the vehicle.

(3) No person shall operate any motor cycle without side-car or motor tricycle with one wheel at the rear on a public road unless there is fitted on the rear of such vehicle a red retro-reflector complying with the provisions of these regulations.

(4) No person shall operate a pedal cycle on a public road unless there is fitted on the rear of such cycle a red retro-reflector complying with the provisions of regulations 189 and 192.

188. Yellow retro-reflectors to be fitted on sides of certain motor vehicles

No person shall operate on a public road a motor vehicle or a combination of motor vehicles, if the overall length of such vehicle or combination of vehicles exceeds seven metres, unless there is fitted, on each side of such vehicle, or on each side of every motor vehicle in such combination of vehicles, as the case may be-

(a) one yellow retro-reflector-

(i) within three metres of the front of such vehicle or combination of vehicles;

(ii) within one metre of the back of such vehicle or combination of vehicles; and

(iii) in the case of a combination of motor vehicles, of which a trailer, other than a semi-trailer, forms a part, within three metres of the front of the trailer; and

(b) so many additional yellow retro-reflectors as may be necessary to ensure that no two successive yellow retro- reflectors on any side are more than three comma six metres apart, complying with the provisions of regulations 189 and 192: Provided that-

(i) yellow retro-reflectors need not be fitted to a bus or minibus which is not a school bus, including such a bus or minibus which forms part of a combination of motor vehicles;

(iA) yellow retro-reflectors need not befitted to motor vehicles fitted with retro-reflective material on the sides as prescribed in regulation 192A;

[Item (iA) inserted by Gen N 2116/2001]

(ii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, yellow retro-reflector need not be fitted to such drawing vehicle; and

(iii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, bus or minibus, which is not a school bus, the front of such combination shall, subject to the provisions of paragraph (i), be deemed to be the front of the vehicle immediately following such drawing vehicle.

189. General requirements for retro-reflectors

(1) Every retro-reflector required to be fitted to a vehicle or load in terms of these regulations shall-

(a) not be lower than 300 millimetres and not higher than one comma five metres from ground level, measured to the centre of the retro-reflector: Provided that if, due to the design of the vehicle, it is impossible to fit retro-reflectors on the sides of the body of such vehicle at the prescribed height, the retro-reflectors shall be fitted as near as possible to such height;

(b) if it is a -

implex

(i) white retro-reflector, be in a vertical position and face squarely to the front;

(ii) red retro-reflector, be in a vertical position and face squarely to the back; and

(iii) yellow retro-reflector, be in a vertical position and face squarely to the side,

but, notwithstanding anything to the contrary contained in these regulation, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.

(c) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective; and

(d) not be fitted to any movable part of the vehicle: Provided that this provision shall not apply to a warning sign contemplated in regulation 191(2)(a).

(2) Notwithstanding anything to the contrary contained in these regulations, if due to the design of the vehicle it is not possible to fit a retro-reflector in the prescribed position, it may be fitted as close as possible to the prescribed position.

190. Rear retro-reflectors on vehicles with certain bodies

If it is impossible to fit retro-reflectors on the body of a vehicle to comply with the requirements of both regulations 187(2) and 189(1)(a), two red retro-reflectors shall be fitted to the rear of such vehicle in the manner contemplated in regulation 187(2) as low as possible on the body of such vehicle and two additional red retro-reflectors shall be fitted on the rear of the vehicle on the underframe thereof at the height contemplated in regulation 189(1)(a) as far apart as such underframe will permit.

191. Warning sign on rear of certain motor vehicles (chevrons)

(1) For the purposes of this regulation the expression “motor vehicle” shall not include a motor vehicle propelled by electrical power derived from overhead wires, motor car, motor cycle, motor tricycle, motor quadrucycle, tractor, or any other motor vehicle the gross vehicle mass of which does not exceed 3 500 kg and which is not a trailer.

(2) Subject to subregulation (3), no person shall operate on a public road a motor vehicle unless there is fitted at the rear of such vehicle a warning sign which-

(a) is a chevron sign which complies with the requirements referred to in standard specification SABS 1329 “Retro-reflective and Fluorescent Warning Signs for Road Vehicles”, Part 4: “Retro-reflective chevron-signs” and Part 5: “Retro-reflective chevron decals”;

(b) bears a certification mark;

(c) notwithstanding the provisions of paragraph (a), from 1 January 2001 incorporates both retro-reflective red and retro-reflective yellow chevron strips.

(3) (a) If the design or construction of any motor vehicle does not allow a chevron to be

fitted thereto such chevron may be cut into sections to avoid the interference of protrusions, or its edges may be trimmed to permit fitment to the contour of the vehicle or its equipment, but the chevron pattern shall be substantially maintained.

(b) If the design or construction of any motor vehicle does not allow a modified chevron to be fitted thereto as contemplated in paragraph (a), at least 11 retro-reflectors shall be fitted to such motor vehicle as shown in diagram A below, and in the case of a trailer the gross vehicle mass of which does not exceed 3 500 kg, at least seven retro-reflectors shall be fitted to such trailer as illustrated in diagram B below: Provided that a trailer the gross vehicle mass of which does not exceed 3 500kg may, in lieu of the said seven retro-reflectors, be fitted with at least one triangular retro-reflectorat each side no further than 400 millimetre from the outer edge of the widest part of such trailer, that comply with the requirements of standard specification SABS ECE R3 “The uniform provisions concerning the approval of retro-reflecting devices for power-driven vehicles and their trailers.

Click here to see Diagrams

(4) Every warning sign required in terms of this regulation, to be displayed on a motor vehicle or on a trailer referred to in subregulation (2), shall-

(a) be in an upright position or within 15 degrees of such position and face squarely to the rear;

(b) be so placed that the lower edge thereof is not more than one comma one metres above ground level: Provided that if, owing to the structure of the vehicle, it is impossible to fit the warning sign at the prescribed height, it shall be fitted as near as possible to such height;

(c) extend horizontally for such distance as is necessary to indicate the overall width of the vehicle to which it is fitted to within 400 millimetres of either side: Provided that these provisions shall not be applied to any chevron fitted in addition to the requirements of this regulation; and

(d) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective.

192. Unlawful use of reflector or reflective material

(1) Subject to subregulation (2), no person shall operate on a public road a vehicle whilst a reflector or reflective material fitted to such vehicle does not reflect a-

(a) white colour to the front of such vehicle;

(b) red colour to the rear of such vehicle; and

(c) yellow colour to the side of such vehicle,

but, notwithstanding anything to the contrary contained in these regulations, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.

(2) The provisions of this regulation shall not apply in respect of-

(a) an ambulance, rescue vehicle, police vehicle, a vehicle driven by a traffic officer in the execution of his or her duties and a fire-fighting vehicle;

(b) a number plate;

(c) a warning sign referred to in regulation 191;

(d) direction indicators referred to in regulation 326;

(e) a sign referred to in regulation 293(2) or 295(2); and

(f) retro-reflective material as contemplated in regulation 192A.

(3) Notwithstanding the provisions of subregulation (1) the pedals, pedal arms or spokes of a pedal cycle shall, if such cycle is operated on a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres, be fitted with yellow or white reflectors or reflective material.

192A. Side and rear retro-reflective material to be fitted to vehicles (Contour markings)

(1) For the purposes of this regulation "contour 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 R104) 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 onto the retro-reflective marking material;

(b) that advertising consisting of logos, distinctive markings or letters, or characters may be used if it complies with the standard and used in conjunction with contour markings, excluding strips denoting the manufacturer.

(2) (a) A goods vehicle with a gross vehicle mass exceeding 10 000 kilograms shall be

fitted with contour 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 6 metres shall be fitted with contour markings as contemplated in paragraph (a) from 1 July 2004.

(c) A trailer first registered after 1 July 2004 shall be fitted with side and rear contour markings, as contemplated in paragraph (a).

(d) Any trailer shall from 1 January 2006 be fitted with side and rear contour markings, as contemplated in paragraph (a).

(e) A bus first registered from 1 July 2004 shall be fitted with side and rear markings as contemplated in paragraph (a);

[Para. (e) amended by GN 871/2005 and GN R891/2006]

(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 fitted with side and rear markings as contemplated in paragraph (a).

[Para. (f) substituted by GN 871/2005 and GN R891/2006]

(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 an operating licence, be fitted with side and rear markings as contemplated in paragraph (a).

[Para. (g) added by GN 871/2005 and GN R891/2006]

(h) any minibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall from 1 January 2007 be fitted with side and rear marking as contemplated in paragraph (a).

[Para. (h) added by GN R891/2006]

[Reg. 192A substituted by GN R1341/2003]

193. Motor vehicle to be equipped with direction indicators

(1) No person shall operate on a public road any motor vehicle, other than a tractor or a trailer drawn by a tractor, unless it is equipped on both sides with either the flasher type or illuminated window-type direction indicators which comply with the provisions of regulation 194 or 195, as the case may be: Provided that where a motor vehicle forms part of a combination of motor vehicles and a direction indicator with which such motor vehicle is required to be equipped is obscured by

any trailer forming part of such combination, the trailer shall, subject to the provisions of regulation 197, be deemed to be part of such motor vehicle.

(2) The provisions of subregulation (1) shall not apply in respect of-

(a) a motor cycle which, according to the registration certificate thereof, was registered for the first time before 1 July 1976; or

(b) any motor vehicle which, according to the registration certificate thereof, is older than 40 years.

194. Direction indicators of flasher type

Direction indicators of the flasher type shall comply with the following requirements:

(a) Each indicator shall incorporate a lamp or lamps;

(b) when in use such lamp shall show an intermittently-flashing light of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eye-sight;

(c) the indicators shall be equidistant from the longitudinal centre-line of the motor vehicle and as near as possible to, but not more than 500 millimetres from, the outer edge of the front or rear of the motor vehicle;

(d) subject to the provisions of paragraph (e), the indicators shall be so mounted that they are visible from the-

(i) rear, anywhere within an angle of 15 degrees inside and 45 degrees outside; and

(ii) front, anywhere within an angle of 45 degrees outside, of a line which is parallel to the longitudinal centre-line of the vehicle and which passes through the centre of the illuminated area of the indicator;

(dA) The indicator lamp shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;

[Para. (dA) inserted by GN R1341/2003]

(e) where it is not possible to comply with the provisions of paragraph (d) in the case of a single indicator on any one side, one indicator shall be mounted towards the front and one towards the rear so that one shall be visible from the front and the other from the rear of the vehicle to which it is fitted within the limits prescribed by that paragraph;

(f) where any indicator is combined with or mounted within 150 millimetres of any lamp, the intensity of the light emitted from the indicator shall be greater than that from such lamp; and

(g) the indicator lamps when in use shall emit white, yellow or amber light to the front, and yellow, amber or red light to the rear and any one indicator may emit light towards the front and the rear simultaneously or emit light only to the front or only to the rear according to its position on the vehicle.

195. Direction indicator of illuminated window-type

Direction indicators of the illuminated window type shall comply with the following requirements:

(a) Each indicator shall incorporate a lamp which, when in operation, shall emit a red, yellow or amber light to the rear and of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eyesight;

(aA) The indicator shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;

[Para. (aA) inserted by GN R1341/2003]

(b) the indicator shall be at least 150 millimetres long, 25 millimetres wide and arrow-shaped; and

(c) the indicator shall be fitted to the rear of the vehicle.

196. Combination of different types of direction indicators

Notwithstanding anything contained in these regulations, the fitting of two direction indicators of one of the types referred to in regulations 194 and 195 on the front half of a vehicle and two direction indicators of another type referred to in the said regulations on the rear half of such vehicle shall be permitted.

197. Direction indicators on motor vehicles with overall length in excess of 7,6 metres

(1) No person shall operate on a public road any motor vehicle or combination of motor vehicles of an overall length in excess of seven comma six metres unless it is equipped on both sides towards the front and towards the rear with the flasher type or illuminated window-type direction indicators which complies with the provisions of regulation 194 or 195, as the case may be.

(2) The direction indicators towards the rear referred to in subregulation (1) shall, unless they are the flasher type direction indicators, be-

(a) within 600 millimetres of the rear end of the vehicle; or

(b) in the case of a combination of motor vehicles, within 600 millimetres of the rear end of the last vehicle of such combination.

(3) The provisions of this regulation shall not apply in respect of a tractor or a combination of motor vehicles the drawing vehicle of which is a tractor.

198. General requirements for direction indicators

(1) Direction indicators shall be fitted at a height of not less than 450 millimetres and not more than two comma one metres above ground level and shall be unobscured when in use: Provided that-

(a) in respect of any flasher type direction indicator no minimum height shall apply; and

(b) a flasher type direction indicator fitted on the side of a motor vehicle shall not be more than two comma three metres above ground level.

(2) If lamps are incorporated in direction indicators, the lamps showing to the front shall be located on the same level and the lamps showing to the rear shall be located on the same level.

(3) Unless the direction indicators are so fitted that they are directly or by reflection visible to the driver of the vehicle concerned when the driver is in the driving

position, a device shall be provided whereby the driver shall be given visible or audible warning when the indicators are in operation.

(4) The direction indicators shall be so fitted that the indicators on one side can be operated separately from those on the other side.

(5) (a) No person shall operate on a public road a motor vehicle, unless it is fitted with a separate switch to operate all the direction indicators simultaneously.

(b) The provisions of paragraph (a) shall not apply to-

(i) a tractor;

(ii) a trailer;

(iii) a motor cycle;

(iv) a motor tricycle;

(v) a motor quadrucycle; or

(vi) any motor vehicle which according to the registration certificate thereof, was registered for the first time before 1 January 1986.

(6) (a) The driver of a motor vehicle fitted with a separate switch to operate all the direction indicators simultaneously, shall put into operation simultaneously all the direction indicators fitted to such vehicle, when the vehicle is-

(i) stationary in a hazardous position; or

(ii) in motion in an emergency situation.

(b) The driver of a motor vehicle shall not put into operation simultaneously all the direction indicators fitted to such motor vehicle in a circumstance other than those referred to in paragraph (a).

(7) If more than one direction indicator is fitted to indicate any one turning movement all such indicators shall be inter-connected so as to operate simultaneously.

(8) Direction indicators shall be maintained in good working order.

(9) All lamps of direction indicators shall, when in use, emit diffused light.

(10) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of direction indicators which is coordinated with the working of the direction indicators of the breakdown vehicle while such motor vehicle is so towed.

199. Prohibition of use of direction indicator not complying with regulations

The driver of a motor vehicle on a public road shall not make use of any direction indicator not complying with the provisions of these regulations.

200. Steering gear

(1) No person shall operate on a public road a motor vehicle-

(a) unless all parts of the steering gear are maintained in a condition which enables the vehicle to be steered safely and efficiently;

(b) unless, in addition to the requirements of paragraph (a), all parts of the steering mechanism are so adjusted that, unless otherwise designed by the manufacturer, the amount of movement which the steering wheel makes before the steering gear becomes effective in changing the direction of the steerable wheels from a position where such wheels are parallel to the longitudinal centre-line of the vehicle to the right or left, is no more than 12,5 percent of the outside circumference of the steering wheel (that is to say, 45 degrees); and

(c) which is fitted with an anti-theft device which enables the steering wheel to be disengaged or disconnected from the steering mechanism of the vehicle.

(2) (a) Subject to paragraph (b), no person shall operate on a public road a motor vehicle

first registered in the Republic or any other country and into his or her name on or after 1 January 2000, the steering wheel of which is on the left hand side.

implex

(b) Paragraph (a) does not apply in respect of a vehicle manufactured, built or imported by a registered manufacturer, builder or importer for the purpose of export or for the purpose of testing, assessment or development, if such vehicle is operated on a public road under an exemption in terms of section 81 of the Act.

[Subreg. (2) substituted by GN R881/2004]

(3) No person shall operate on a public road a motor cycle -

(a) unless the handlebars thereof are symmetrically placed in relation to the longitudinal centre-line of the cycle;

(b) unless the distance between the outside edges of the handlebars is at least 600 millimetres in respect of a motor cycle with an engine with a cylinder capacity of 200 cubic centimetres or more and at least 500 millimetres in respect of all other motor cycles; or

(c) of which the outer ends of the handgrips on the handlebars are-

(i) higher than 500 millimetres above the seat height; or

(ii) lower than the seat height, and more than 800 millimetres apart.

201. Warning devices

(1) Subject to the provisions of sections 58(3) and 60 of the Act, no person shall operate on
a public road-

(a) a self-propelled motor vehicle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of emitting a sound which, under normal conditions, is clearly audible by a person of normal hearing from a distance of at least 90 metres;

(b) a pedal cycle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of giving adequate warning of its approach;

(c) a vehicle to which a siren is fitted; or

(d) a vehicle to which a device is fitted which emits a sound of which the tone of pitch varies:

Provided that the provisions of paragraphs (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, a emergency medical response vehicle, ambulance or vehicle driven by a traffic officer in the carrying out of his or her duties, or to a vehicle driven by a person while engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977).

[Subreg. (1) substituted by GN R1341/2003]

(2) The device referred to in paragraph (b) of the proviso to sections 58(3) and 60(b) of the Act shall be capable of emitting a sound of which the tones of pitch shall-

(a) be

Click here to see image

(commonly known as the “Klaxon”}

(b) sweep rapidly between 400 and 1 500 Hertz at a rate of between 120 and 180 cycles per minute (commonly known as the “yelp”); or

(c) sweep slowly between 400 and 1500 Hertz at a rate of between six and nine cycles per minute (commonly known as the “wail”).

202. Glass of windscreen, window and partitions

(1) No person shall operate on a public road any motor vehicle having a windscreen, window or partition made of transparent material-

(a) unless such material affords the driver sufficient visibility for safe driving of such vehicle;

(b) unless in the case of a windscreen, other than a windscreen fitted to a motor cycle or motor tricycle, such transparent material-

(i) is glass; and

(ii) in respect of a motor vehicle which, according to the registration certificate thereof was registered for the first time after the year 1958, complies with the provisions of paragraph (a) even when shattered; and

(c) unless, in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after the year 1958, such transparent material is safety glass and every pane thereof is permanently marked with the name or trade mark of the manufacturer thereof or the trade name of the glass and is clearly identifiable as safety glass by a permanent mark indicating it as such.

(2) Notwithstanding the provisions of paragraphs (b) and (c) of subregulation (1), the transparent material -

(a) with which -

(i) a window in the roof of a motor vehicle;

(ii) a window or partition of a bus or a minibus; or

(iii) a window or partition of a semi-trailer designed or adapted for the conveyance of passengers, is made, may consist of ultrahigh impact acrylic or polycarbonate plastic material where each pane thereof is permanently marked with the name or trademark of the manufacturer thereof or the trade name of the material and such material is clearly identifiable as ultrahigh impact acrylic or polycarbonate plastic material by a permanent mark describing it as such;

(b) with which a window or partition or a removable or collapsible hood or canopy of a motor vehicle is made, may consist of a flexible plastic material; and

(c) with which a window or partition of a trailer, not designed or adapted for the conveyance of passengers, is made, may in the case where such trailer, according to the registration certificate thereof-

(i) was registered for the first time before 1 January 1987, consist of acrylic or polycarbonate plastic material or of glass; or

(ii) was registered for the first time on or after 1 January 1987, consist of acrylic or polycarbonate plastic material.

(3) No person shall operate on a public road any motor vehicle -

(a) unless the visible light transmittance through-

(i) the windscreen is at least 70 percent; and

(ii) any other window is at least 35 percent, when measured in accordance with paragraph 6.3 of the standard specification SABS 1191 “Safety glass for windows”;

(b) unless any film or tinting material applied to any windscreen, window or partition is free from bubbles, tears or scratches; and

(c) if, from 1 January 2000, any material or film, with a textured surface, displaying a picture or graphics is applied to the rear window that covers more than one-sixteenth of such rear window, or windscreen or a side window.

[Para. (c) substituted by GN R1341/2003]

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

[Subreg. (4) substituted by GN R881/2004]

203. Windscreen wiper

No person shall operate on a public road a motor vehicle with a windscreen which is not fitted with at least one windscreen wiper which shall be capable of operation by other than manual means and shall, when in operation, wipe the outside of the windscreen directly in front of the driver, continuously, evenly and adequately: Provided that the provisions of this regulation shall not apply to a motorcycle, a motor tricycle or a motor quadrucycle without a fixed hood.

204. Driving view to be unobstructed

(1) No person shall operate on a public road a motor vehicle-

(a) which is not so constructed and maintained as to afford the driver thereof a full and clear view of the roadway ahead and to his or her right and left when the vehicle is in use;

(b) which is not fitted with a rearview mirror or mirrors enabling the driver of such vehicle, when he or she is in the driving position, to see in clear weather a clear reflection of traffic to the rear: Provided that the provisions of this paragraph shall not apply in respect of a tractor;

(c) which is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rearview mirror on the driving side and an interior rearview mirror: Provided that where the interior rearview mirror does not enable the driver, when he or she is in the driving position, to see in clear weather, a clear reflection of traffic to the rear, an additional exterior rearview mirror shall be fitted on the side opposite to the driving seat and in such a case it shall not be necessary to fit an interior rearview mirror;

(d) which is a minibus, bus or goods vehicle, the gross vehicle mass of, which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rearview mirror on the driving side and an exterior rearview mirror on the side opposite to the driving seat; or

(e) which is a motor cycle, a motor tricycle or motor quadrucycle unless it is fitted with a rearview mirror on the right side of the handlebars thereof, and such vehicle shall also be fitted with a rearview mirror on the left side of its handlebars.

(2) Every rearview mirror of a motor vehicle -

(a) which-

(i) is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1976; or

(ii) is a minibus, bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time during the period 1 January 1976 to 31 December 1986, shall be either flat or spherically convex and have an average radius of curvature of not less than one comma two metres; or

(b) contemplated in subregulation (1)(d) shall be either flat or spherically convex and have an average radius or curvature of not less than one comma eight metres.

205. Fuel tank, electrical wiring and battery

No person shall operate on a public road a motor vehicle-

(a) if the fuel tank, carburettor, fuel receptacle or fuel pipe thereof is defective or so exposed that it constitutes a source of danger;

(b) if the filling orifice of the fuel tank is not fitted with an effective cap; or

(c) Unless the electrical wiring and battery are properly installed, insulated and maintained so that such wiring and battery do not constitute a source of danger.

206. Engine of motor vehicle to be covered

No person shall operate on a public road a motor vehicle, other than a motor cycle or other cycle, unless the engine thereof is so covered as not to be a source of danger.

207. Compulsory wearing of protective helmet

(1) No person shall drive or be a passenger on a motor cycle, motor tricycle or a motor quadrucycle, or be a passenger in the side-car attached to a motor cycle, on a public road, unless he or she is wearing a protective helmet-

(a) which is specially designed for use in connection with such cycle; and

(b) which fits him or her properly and of which the chin strap is properly fastened under the chin.

(2) After expiry of three years from the date of commencement of this regulation, no person shall drive or be a passenger on a pedal cycle on a public road unless he or she is wearing a protective helmet which fits him or her properly and of which the chin straps is properly fastened under the chin.

(3) The driver of a motor cycle, motor tricycle, motor quadrucycle or pedal cycle shall ensure that any passenger in or on such cycle who is younger than 14 years, complies with the provisions of subregulation (1) or (2), as the case may be.

(4) Notwithstanding the provisions of subregulations (1) and (3), the driver and passengers of a motor cycle-

(a) equipped with a seatbelt anchorages that comply with the requirements of standard specification SABS 1430 “Motor vehicle safety-anchorages for restraining devices in motor vehicles”, for the driver and passengers (if any);

(b) the engine of which can not move unless the driver and passengers (if any), of the motor cycle wears the seatbelt referred to in paragraph (a); and

(c) that complies with the requirements of annex 11 of the standard specification SABS 1440 “Motor vehicle safety - The steering mechanism of motor vehicles (M, only) - behaviour on impact”,

may drive or be passengers on such motor cycle on a public road while not wearing a protective helmet.

[Reg. 207 substituted by Gen N 2116/2001]

208. Manner in which side-car to be attached to motor cycle

No person shall operate on a public road a motorcycle with side-car, unless such side-car is attached to the left side of the motor cycle in such a manner that the centre-line of the axle of the side-car is within the wheelbase of the motor cycle: Provided that no side-car shall be attached to a motor cycle having an engine with a cylinder capacity of less than 50 cubic centimetres.

209. Exhaust silencers and exhaust pipes

No person shall operate on a public road a motor vehicle-

(a) unless an efficient exhaust silencer or muffling device is affixed thereto in such a manner that the exhaust gas from the engine is projected through such silencer or muffling device, which shall be so constructed as to reduce and muffle in an effective manner the sound produced by such exhaust;

(b) if any mechanism or device is attached thereto enabling the exhaust gas from the engine of such motor vehicle to be projected otherwise than through the silencer or muffling device referred to in paragraph (a);

(c) if the exhaust gas or smoke from the engine is so dense as to cause a nuisance to, or obstruct the vision of other road users;

(d) if the exhaust pipe or silencer thereof is in such a position that oil or other flammable liquid or material can drip or fall onto it, or is not in efficient working order, or is so placed and maintained that exhaust gas or smoke leaks into the driving cab or passenger compartment of the vehicle; and

(e) which, when tested, exceeds the limits prescribed in code of practice SABS 0181 "The Measurement of Noise Emitted by Road Vehicles when Stationary".

210. Entrances and exits

(1) (a) No person shall operate on a public road a motor vehicle with a fixed hood and a

tare in excess of 570 kilograms unless such vehicle has at least -

(i) a convenient means of entrance and exit on both the left side and the right side; or

(ii) such means of entrance and exit on either the left side or the right side and a ready means of escape on the side opposite to such means of entrance and exit or at the rear, for the occupants thereof.

(b) A motor vehicle with a fixed hood and a tare in excess of 570 kilograms that is conveying passengers in a separate compartment, and

(i) which does not comply with the provisions of paragraph (a)(i) or (a)(ii); or

(ii) which does not afford such passengers unobstructed access to the driving compartment, shall have at least a convenient means of entrance and exit at the rear for such passengers.

(2) An entrance and exit and a means of escape referred to in subregulation (1), shall be protected with a door or other effective barrier: Provided that a means of entrance and exit at the rear of a motor vehicle need not be so protected.

(3) A door or barrier contemplated in subregulation (2) or a door or other barrier with which a means of entrance and exit at the rear of a motor vehicle is protected, shall be

(a) capable of being opened and closed from both the outside and the inside; and

(b) closed and clear of any obstruction when the vehicle is in motion:

Provided that the provisions of paragraph (a) shall not apply to a means of escape which has a barrier which is capable of being opened by being knocked out.

(4) The provisions of this regulation shall not apply to a minibus, bus or the separate compartment of a motor vehicle in which prisoners are conveyed.

211. Motor vehicle to be capable of travelling backwards and forwards

No person shall operate on a public road a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, the tare of which exceeds 570 kilograms, unless it can be driven backwards and forwards.

212. Tyres

No person shall operate on a public road-

(a) a motor vehicle, other than a tractor or trailer, which is equipped with a metal tyre;

(b) a tractor or trailer, other than an animal-drawn vehicle, which is equipped with a metal tyre of less than 130 millimetres in width;

(c) an animal-drawn vehicle which is equipped with a metal tyre less than 40 millimetres in width;

(d) a vehicle which is equipped with a metal tyre unless the whole width of the tread of the tyre is at all times in direct contact with the surface of the road;

(e) a vehicle which is equipped with a tyre which is in such a state of disrepair or in such a condition that it may cause or is likely to cause damage to the road surface or may be or is likely to be a danger;

(f) a motor vehicle which is equipped with a pneumatic tyre of which the rubber covering is so worn or damaged that the fabric or cord used in the construction of such tyre is exposed;

(g) a motor vehicle of which a tyre is so constructed and fitted that the metal part of the wheel to which such tyre is fitted may come into contact with the road surface;

(h) a motor cycle which is equipped with a retreaded tyre;

(i) a motor vehicle which is equipped with a regrooved tyre having a bead diameter of 430 millimetres or less;

(j) a motor vehicle-

(i) which is fitted with a pneumatic tyre unless such tyre displays throughout, across its breadth and around its entire circumference, a pattern which is clearly visible, and has a tread of at least one millimetre in depth, or

(ii) which is fitted with a pneumatic tyre which contains a tyre tread depth indicator, if the tread is level with the tyre tread depth indicator:

Provided that this paragraph shall not apply in respect of a motor cycle with an engine which has a cylinder capacity not exceeding 50 cubic centimetres, or a trailer drawn by a tractor at a speed not exceeding 35 km/h;

[Para. (j) amended by Gen N 2116/2001]

(k) a motor cycle with an engine having a cylinder capacity not exceeding 50 cubic centimetres, which is fitted with a pneumatic tyre which does not at any position

on the tread thereof have a visible tread pattern over at least 80 percent of the full width of the tread;

(l) a motor vehicle which is equipped with a pneumatic tyre which has a break in its fabric or which has a cut, measured in any direction on the outside of the tyre and of such depth that it reaches the cords used in the construction of such tyre, in excess of 25 millimetres or 10 percent of the maximum width of the tyre, whichever is the greater;

[Para. (l) amended by GN 871/2005 and GN R891/2006]

(m) a motor vehicle which is equipped with a pneumatic tyre which has a lump or bulge caused by the separation of or a partial break in its structure;

(n) A minibus, midibus, or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with commercial steel radial tyres;

[Para. (n) added by GN 871/2005]

(o) A minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA unless the steering wheels of such minibus, midibus or bus are fitted with an anti-burst stabilizer device.

[Para. (o) added by GN 871/2005 and GN R891/2006 with effect from a date published by the Minister by notice in the Gazette]

213. Seatbelts

(1) For the purpose of this regulation-

(a) an adult is a person over the age of 14 years or taller than one comma five metres; and

(b) a child is a person between the age of three years and 14 years, except where such person is taller than one comma five metres.

(2) Any reference to a safety belt in these regulations shall be construed as a reference to a seat belt.

(3) (a) Motor vehicles which are required to be fitted with seatbelts in terms of the relevant requirements as contemplated in regulation 216, shall be fitted with seatbelts in accordance therewith.

(b) In addition to the requirements of paragraph (a), no person shall operate a minibus the gross vehicle mass of which exceeds 2 500 kg, unless seatbelts are fitted to the space on the front seat occupied by the driver, and if such front seat has seating accommodation for passengers, unless seatbelts are fitted for the driver and at least one passenger.

(c) No person shall operate a motor vehicle on a public road unless the seatbelts fitted to such motor vehicle are in good working order.

(d) Seatbelts fitted to a motor vehicle may only be removed for repair or replacement purposes and such motor vehicle may not be used on a public road while such seatbelts are being repaired or replaced.

(e) In addition to the requirements of paragraph (a), no person shall operate a minibus or midibus, first registered after 04 September 2006,operating in terms of an operating licence, unless seatbelts are fitted for every seat in the motor vehicle.

[Para. (e) inserted by GN 871/2005, corrected by Gen N 1318/2005 and inserted by GN R891/2006]

(f) The belt configuration for a seat in the rear of the motor vehicle shall be a 2-point belt, also referred to as a lap-type belt with anchorage in accordance with SANS 1430 “Anchorages for restraining devices in motor vehicles”, and installed in accordance with SANS “‘10168 Installation of safety devices (Safety belts in motor vehicles)

[Para. (f) inserted by GN 871/2005 and GN R891/2006]

(4) No adult shall occupy a seat in a motor vehicle operated on a public road which is fitted with a seatbelt unless such person wears such seatbelt: Provided that the provisions of this regulation do not apply while reversing or moving in or out of a parking bay or area.

(5) No adult shall occupy a seat on a row of seats in a motor vehicle operated on a public road which is not fitted with a seatbelt, unless all other seats on such row which are fitted with seatbelts, are already occupied.

(6) The driver of a motor vehicle operated on a public road shall ensure that a child seated on a seat of the motor vehicle-

(a) where it is available in the motor vehicle, uses an appropriate child restraint; or

(b) if no child restraint is available, wears the seatbelt if an unoccupied seat which is fitted with a seatbelt is available.

(7) If no seat, equipped with a seatbelt is available in a motor vehicle the driver of the motor vehicle operated on a public road shall ensure that a child shall, if such motor vehicle is equipped with a rear seat, be seated on such rear seat.

(8) (a) A seatbelt shall comply with the standard specification SABS 1080 "Restraining devices for occupants of adult build in motor vehicles (Revised requirements)" and bear a certification mark or approval mark.

(b) A child restraint shall comply with the standard specification SABS 1340 "Child restraining devices in motor vehicles" and bear a certification mark or approval mark.

(9) The MEC may exempt a person from the provisions of this regulation on such medical grounds and under such conditions he or she may deem expedient

(10) An exemption from wearing a seatbelt in a prescribed territory shall be deemed to be an exemption in terms of subregulation (9) for the period of validity thereof.

(11) The driver of a motor vehicle shall ensure that all persons travelling in such motor vehicle shall wear a seat belt as contemplated in this regulation.

[Subreg. (11) added by GN R1341/2003]

214. Emergency warning signs (Triangles)

(1) For the purpose of this regulation -

(a) the expression "motor vehicle" excludes an ambulance or motor-car first registered before 1 July 2006, a motor cycle, motor tricycle or a motor quadrucycle;

(b) "reflective material" means reflective material which under all circumstances is capable of reflecting light; and

(c) the expression “warning triangle “ means -

(i) for goods vehicles and minibuses with a gross vehicle mass of 3500 kilograms or less, a double sided sign having the shape, design, minimum dimensions and colours as illustrated hereunder and of which the red portion on each side -

(aa) shall consist of red reflective material; or

(bb) shall be painted red and have retro-reflectors in each corner; or

[Para. (c) substituted by GN 871/2005 and GN R891/2006]

Click here to see figure
[Figure substituted by GN R891/2006]

(ii) for any other motor vehicle, a warning sign complying with the requirements of standard specifications SABS 1329 “Retro-Reflective and Fluorescent Warning Signs For Road Vehicles”, Part 1: “Triangles” and bears a certification mark. Provided that in the case of a combination of motor vehicles, the emergency warning sign for every motor vehicle of such combination may be carried on the drawing vehicle.

(2) Where a motor vehicle is for any reason stationary on the roadway or the shoulder of a public road, the driver of such vehicle shall display or cause to be displayed at least one emergency warning signs in the manner contemplated in subregulation (4).

(3) No person shall, without lawful cause, remove or tamper with any emergency warning sign, which is being displayed in accordance with the provisions of this regulation.

(4) At least one emergency warning sign shall be displayed in the following manner:

(a) The sign shall be placed not less than 45 metres from the motor vehicle along the roadway of the public road concerned in the direction from which traffic will approach such vehicle when travelling on the side of the roadway closest to such motor vehicle;

(b) the sign shall be placed approximately as far from the edge of the roadway as the transverse centre of the motor vehicle is from the edge of the roadway; and

(c) the reflective side of the sign shall face in the direction from which any traffic will approach.

(5) The provisions of subregulation (2) shall not apply where a motor vehicle is stationary-

(a) in a place where a road traffic sign authorises the loading or unloading of a vehicle;

(b) in compliance with any direction conveyed by a road traffic sign or given by a traffic officer;

(c) on account of other traffic on the public road concerned and while the driver occupies the driving seat of such motor vehicle; or

(d) in the course of events accompanying the carrying out of a State or municipal function.

[Reg. 214 substituted by GN R1341/2003 and GN R881/2004]

215. Speedometers

(1) No person shall operate on a public road a motor vehicle which is designed for or capable of reaching a speed of 60 kilometres per hour or more on a reasonably level road, unless such vehicle is equipped with a speedometer which is in a good working order.

(1A) No person shall operate a minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with a speed governor;

[Subreg. (1A) inserted by GN R891/2006 with effect from a date published by the Minister by notice in the Gazette]

(2) The provisions of subregulation (1) shall not apply to -

(a) a trailer; or

implex

(b) new motor vehicle while-

(i) being delivered by a motor transport contractor in the course of his or her business,

(ii) being delivered by a manufacturer to a motor dealer; or

(iii) being used by a motor dealer in the course of his or her business for the purpose to sell, exchange or repair of such vehicle or to build a permanent structure thereon.

216. Motor vehicles operated on public road to comply with compulsory vehicle specifications

(1) A motor car, minibus, bus or goods vehicle fitted with at least four wheels, or a trailer, operated on a public road, shall comply with the relevant requirements as specified in the Government Notices issued in terms of section 22 of the Standards Act, 1993 (Act No. 29 of 1993) and listed in Annex A to code of practice SABS 047: "The testing of motor vehicles for roadworthiness".

(2) No person shall operate on a public road a motor vehicle unless all the equipment required to be on such motor vehicle in terms of subregulation (1), is fitted to such vehicle and in good working order.

(3) Notwithstanding anything pertaining to the extent of the application of the requirements referred to in subregulation (1), any motor vehicle design or any design of a motor vehicle modification submitted to the inspectorate of manufacturers, builders and importers in terms of regulation 43, shall comply with the requirements relevant to such motor vehicle design or any design of a motor vehicle modification.

217. Wheel flaps

(1) After 1 July 1999, no person shall operate a trailer with a gross vehicle mass exceeding 3 500 kg, or a bus or goods vehicle with a gross vehicle mass exceeding 7 500 kg, on a public road unless it is fitted with wheel flaps-

(a) which are properly maintained and approved by the vehicle manufacturer; or

(b) which comply with standard specification SABS 1496 wheel flaps fitted to motor vehicles.

(2) The provisions of subregulation (1) shall not apply to-

(a) a chassis or a cab and chassis which is being driven to a manufacturer, builder or motor dealer;

(b) a truck-tractor; or

(c) a vehicle which complies with the provisions of standard specification SABS 1496 “Wheel flaps fitted to motor vehicles”, due to its design.

218. Rear underrun protection device

Subject to such exemptions as maybe provided for under any specification as referred to in regulation 216, a rear underrun protection device which complies with the standard specification SABS 1055 “Rear underrun protection devices”, shall be fitted to-

(a) a trailer the gross vehicle mass of which exceeds 3 500 kg, first registered on or after 1 January 1988;

(b) any other goods vehicle the gross vehicle mass of which exceeds 12 000 kg, first registered on or after 1 January 1988, but after 1 January 2000, such rear underrun protection device shall be fitted to any trailer the gross vehicle mass of which exceeds 3 500 kg and any goods vehicle the gross vehicle mass of which exceeds 12 000 kg.

219. Axle or axle unit to be. fitted to semi-trailer

A semi-trailer first registered on or after 1 July 1999, shall be fitted with only one axle or one axle unit, which axle unit shall be fitted with suspension of one type only namely either air suspension, steel suspension, or rubber suspension.

220. Certain vehicles exempt from certain provisions of this Part

(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine,

is exempt from the provisions of this Part, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210, 211 and 212: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.

(2) Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for *bona fide* agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, shall, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210 and 212, be excluded from the provisions of this part: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) no such vehicle shall be operated on a freeway.

(3) A vintage motor vehicle is exempt from any provisions of this Part in so far as the fitment of the equipment required in terms of this Part will alter the original design and equipment of such motor vehicle.

Part III

Dimensions of vehicles

221. Overall length of vehicle

No person shall operate on a public road-

(a) a trailer which is coupled to a drawing vehicle in such a manner that the trailer and the drawing vehicle cannot swivel in a horizontal plane at the coupling, if the overall length including any drawbar or coupling exceeds one comma eight metres;

(b) a trailer with one axle or one axle unit, other than a semi-trailer-

(i) the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 11,3 metres; or

(ii) the gross vehicle mass of which does not exceed 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds eight metres;

(c) a trailer not referred to in paragraph (b), excluding a semi-trailer, the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 12,5 metres;

(d) an articulated motor vehicle or any other combination of motor vehicles consisting of a drawing vehicle and a semi-trailer, if the overall length of such motor vehicle or combination of motor vehicles, including any drawbar or coupling, exceeds 18,5 metres;

(e) a bus-train, if the overall length thereof exceeds 22 metres;

[Para. (e) amended by GN R1341/2003]

(eA) a bus, if the overall length thereof exceeds 15 metres;

[Para. (eA) inserted by GN R1341/2003]

(f) any other vehicles, excluding a semi-trailer, if the overall length thereof, including any drawbar or coupling, exceeds 12,5 metres; or

(g) any other combination of motor vehicles, if the overall length thereof, including any drawbar or coupling, exceeds 22 metres: Provided that the provisions of this paragraph shall not apply to a breakdown vehicle while towing another motor vehicle.

Provided that equipment fitted to the front of a vehicle to protect its bodywork and lighting equipment and that increases the overall length of that vehicle by not more than 300 millimetres, shall not be taken into account for the purpose of calculation of the overall length of a vehicle: Provided further that the said protection equipment does not include the bumper fitted by the manufacturer of the motor vehicle concerned.

[Proviso inserted by Gen N 2116/2001]

222. Restriction on combination of motor vehicles

(1) Subject to subregulation (3), no person shall operate on a public road any combination of motor vehicles-

(a) other than a drawing vehicle and one or two trailers;

(b) other than a motor vehicle drawing one other motor vehicle which is not a trailer; and

(c) other than a motor vehicle drawing another motor vehicle which is not a trailer, and a trailer, in the case of an emergency or a breakdown.

(2) Subject to subregulation (3), no person shall operate on a public road a combination of motor vehicles-

(a) consisting of a trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane, if the combined length of such trailer, including any drawbar or coupling and the rear overhang of the drawing vehicle, exceeds three comma one metres;

(b) consisting of a trailer or trailers attached to a drawing vehicle if the length of the drawbar of any trailer in such combination, where such trailer has more than one axle, exceeds two metres: Provided that in the case of an underslung coupling, the drawbar may exceed two metres if the distance between the two vehicles does not exceed two comma five metres.

(3) Subject to regulation 239(2), any combination of vehicles may be towed by a breakdown vehicle if the brake system of the towed combination, excluding the drawing vehicle of such combination, is functional and coordinated with the working of the brakes of the breakdown vehicle.

(4) For the purposes of paragraph (a) of subregulation (1), a converter dolly shall, when used in combination with a semi-trailer, be deemed not to be a trailer.

(5) Notwithstanding anything contained in this regulation, no person shall use a breakdown vehicle or motor vehicle, that must display the information referred to in regulation 245(1)(b)(v), to tow or draw another vehicle on a public road, unless such information is displayed in terms of regulation 245 on such breakdown vehicle or motor vehicle.

[Subreg. (5) inserted by Gen N 2116/2001]

223. Overall width of vehicle

No person shall operate on a public road-

(a) a bus of which the distance between the centre-lines of the tyres of the two front wheels exceeds one comma nine metres, if the overall width of such bus exceeds two comma six metres;

(b) a goods vehicle the gross vehicle mass of which is 12 000 kilograms or more, if the overall width thereof exceeds two comma six metres; or

(c) any other vehicle, if the overall width thereof exceeds two and a half metres.

224. Overall height of vehicle and load

No person shall operate on a public road a motor vehicle together with any load thereon, the overall height of which-

(a) in the case of a double-deck bus exceeds four comma six five metres; and

(b) in the case of any other motor vehicle exceeds four comma three metres.

225. Turning radius and wheelbase

No person shall operate on a public road a vehicle-

(a) the maximum turning radius of which exceeds 13,1 metres: Provided that in the case of a bus-train and a twin steer 4 axle rigid goods vehicle, the turning radius exceeds 17,5 metres; and

[Para. (a) substituted by GN R1341/2003]

(b) the wheelbase of which exceeds, in the case of-

(i) a semi-trailer, 10 metres;

[Subpara. (i) substituted by GN R1341/2003]

(ii) a bus-train, 15 metres; or

(iii) any other vehicle, eight and a half metres.

226. Overhang of vehicle

(1) No person shall operate on a public road-

(a) a semi-trailer, the front overhang of which exceeds one comma eight metres; or

(b) a vehicle, other than a semi-trailer or a trailer with one axle or one axle unit, the front overhang of which exceeds

(i) 60 percent of the wheelbase;

(ii) six comma two metres in the case of a vehicle having the front surface of the back rest of the driving seat at seat level not more than one comma seven metres from the front end of the vehicle when such seat, if adjustable, is in the rearmost position, lets half the wheelbase: Provided that the wheelbase of a bus-train shall be the distance measured from the centre of the front axle to the centre of the middle axle; or

(iii) five comma eight metres in the case of any other vehicle, less half the wheelbase.

(2) No person shall operate on a public road-

(a) a vehicle designed or adapted for use in connection with street cleaning or the disposal of refuse or sewage, or any vehicle referred to in regulations 220, 230 or 249, or any bus, or self- propelled caravan, the rear overhang of which exceeds 70 percent of its wheel base;

(b) a trailer, other than a semi-trailer, which is equipped with-

(i) one axle;

(ii) one axle unit; or

(iii) two axles, the distance between the centre-lines of which is less than one comma two metres, if the rear overhang exceeds 50 percent of the length of the body of such trailer; or

(c) any vehicle, not referred to in paragraph (a) or (b), the rear overhang of which exceeds 60 percent of its wheelbase.

227. Projections in case of vehicle other than motor cycle, motor tricycle, motor quadrucycle or pedal cycle

(1) No person shall operate on a public road a vehicle, other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle-

(a) carrying any goods or fittings which project-

(i) either side of the longitudinal centre-line of the vehicle by more than-

(aa) in the case of a bus contemplated in regulation 223(a) or a goods vehicle contemplated in regulation 223(b), one comma three metres; or

(bb) in the case of any other vehicle, one comma two five metres:

Provided that any side mirror or direction indicator on the vehicle shall not be taken into account;

(ii) more than 300 millimetres beyond the front end of the vehicle; or

(iii) more than one comma eight metres beyond the rear end of the vehicle; or

(b) of which-

(i) the front overhang, together with any projection, exceeds the front overhang as provided in regulation 226(1)(b); or

(ii) any bracket projects more than 150 millimetres beyond the widest part of the vehicle.

(2) No person shall operate on a public road a vehicle or combination of vehicles where the combined length of such vehicle or combination of vehicles and any projection exceeds the overall length prescribed in regulation 221 for such vehicle or combination of vehicles.

228. Projections in case of motor cycle, motor tricycle, motor quadrucycle or pedal cycle

No person shall operate on a public road a motorcycle, motor tricycle, motor quadrucycle or pedal cycle if any goods carried thereon, or on any portion or side-car of such cycle, project more than 600 millimetres to the front of the axle centre of the front wheel or more than 900 millimetres to the rear of the axle centre of the rear wheel or more than 450 millimetres on either side of the wheels of such cycle, or more than 300 millimetres to the outside of the wheel of any side-car: Provided that the provisions of this regulation shall not apply in respect of any side mirror or crash bar.

229. Warning in respect of projecting load

(1) No person shall operate a vehicle on a public road if the load on such vehicle projects more than 150 millimetres beyond the side thereof, unless-

(a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly visible at a distance of 150 metres, the extent of such projection is indicated-

(i) by means of either a white retro-reflector or a lamp emitting a white light, fitted at the outer edge of the front of such load; and

(ii) by means of either a red retro-reflector or a lamp emitting a red light, fitted at the outer edge of the rear of such load; and

(b) during any other period, the extent of such projection is indicated by means of flags of red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the front and rear of such projection.

(2) No person shall operate a vehicle on a public road if the load on such vehicle projects more than 300 millimetres beyond the rear thereof, unless-

(a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly visible at a distance of 150 metres-

(i) the width of such projection is indicated by means of red retro-reflectors or lamps emitting a red light fitted on the end of such projection: Provided that where the width of any such projection is less than 600 millimetres it shall be sufficient for the purpose of indicating such width to fit one retro-reflector or lamp on the end thereof; and

(ii) the length of such projection is indicated by means of yellow retro-reflectors or lamps emitting a yellow light fitted on both sides of such projection at the end thereof; and

(b) during any other period, the length of such projection is indicated by means of a red flag or red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the end of such projection, and the width of such projection is indicated by means of such flags suspended by two adjacent corners thereof parallel to the direction in which the vehicle is travelling, from both sides of such projection at the end thereof: Provided that where the width of such projection is less than 600 millimetres it shall be sufficient for the purposes of indicating such projection to suspend one such flag from the end thereof.

(3) For the purposes of this regulation, the light of any lamp shall comply with the provisions of regulation 158(2).

230. Certain vehicles exempt from provisions of this Part

(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine is exempt from the provisions of this Part, except for the provisions of regulations 224 and 226: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the, public road would not be clearly discernible at a distance of 150 metres;

(b) the overall width of any such vehicle shall not exceed three and a half metres;

(c) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(d) any such vehicle exceeding the overall length prescribed in regulation 221 or the overall width prescribed in regulation 223 shall display two flags of red cloth not less than 600 millimetres by 600 millimetres, in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel; and

(e) no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.

(2) Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for *bona fide* agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, is exempt from the provisions of this Part, except for the provisions of regulation 224: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) where such vehicle-

(i) exceeds the overall length prescribed in regulation 221;

(ii) encroaches beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; or

(iii) is more than two comma six metres but less than three and a half metres wide, two flags of red cloth shall be displayed not less than 600 millimetres by 600 millimetres in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel, but the vehicle may be fitted with amber flashing lights in lieu of such flags; and

(d) the overall width of any such vehicle shall not exceed four and a half metres:

Provided further that when the overall width exceeds three and a half metres-

(i) such vehicle shall not normally encroach beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; and

(ii) if such vehicle does encroach beyond half the width of the roadway, two escort vehicles with the headlamps switched on and displaying red flags of the size prescribed in paragraph (c) or amber flashing lights shall be provided, one travelling in front and one to the rear of such vehicle;

(e) no such vehicle shall be operated on a freeway.

Part IV

Loads on vehicles

231. Manner in which children to be counted for purposes of regulations

For the purposes of establishing the number of persons that may in terms of these regulations, other than regulation 263, be carried on any vehicle, other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle-

(a) any child under the age of three years shall not be counted;

(b) two children of three years or over but under the age of six years shall be counted as one person; and

(c) three children of six years or over but under the age of 13 years shall be counted as two persons:

Provided that in applying the provisions of this regulation, fractions shall be disregarded.

232. Mass of person and luggage for determining maximum load for homologation and testing purposes

For the purpose of establishing the maximum mass of a person and his or her hand luggage which may be conveyed on a motor vehicle for the purpose of determining the seating capacity of such vehicle to homologate a vehicle -

(a) the mass of a person together with his or her hand luggage shall, be taken as 68 kilograms;

(b) in the case of a motor vehicle which is fitted with-

(i) a luggage compartment, the mass of luggage shall be calculated at the rate of 100 kilograms per cubic metre; or

(ii) a roof rack, the mass of luggage shall be calculated at the rate of 75 kilograms per square metre of area of the roof rack:

Provided that where a motor vehicle is examined for the purpose of obtaining a roadworthy certificate as contemplated in regulation 142, the provisions of this paragraph shall not apply in the determination of the seating capacity of such motor vehicle.

[Reg. 232 substituted by GN R1341/2003]

233. Number of persons that may be carried on motor vehicle in relation to seating capacity

(1) Subject to the provisions of regulation 231, no person shall operate on a public road a motor vehicle, other than a minibus or bus which is used for hire or reward, motor cycle, motor tricycle, motor quadrucycle or pedal cycle -

(a) the number of persons on any seat of such vehicle exceeds the number of persons for whom seating accommodation is provided for on such seat, at the rate of 380 millimetres per person measured at the widest part of the seat with the doors closed; and

(b) the total number of persons carried on such vehicle, excluding persons carried in the goods compartment of the vehicle, exceeds the number of persons for whom seating accommodation, determined in the manner referred to in paragraph (a), is available in such vehicle: Provided that, one child over the age of three years but under the age of six years may be carried on each transverse seat, in excess of the number of persons for whom seating accommodation is available on such seat, determined in the manner referred to in paragraph (a).

(2) Subject to the provisions of regulation 231, no person shall operate on a public road, a minibus, midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006, if the number of persons on any seat exceeds the number of persons for whom seating accommodation is provided for, on such a seat at a rate of 400 millimetres per person, measured at the widest part of the seat with the doors closed;

[Subreg. (2) substituted by Gen N 1319/2005 and GN R891/2006]

(3) For the purposes of subregulations (1) and (2) a row of seats shall be regarded as one seat.

[Subreg. (3) substituted by GN R1341/2003]

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

[Subreg. (4) amended by GN R1341/2003 and substituted by GN R881/2004]

234. Permissible maximum axle massload of vehicle

(1) No person shall operate on a public road a minibus, bus, tractor or goods vehicle if the permissible maximum axle massload of such vehicle is exceeded.

(2) The permissible maximum axle massload of a vehicle shall be the least of the mass limits determined by-

(a) regulation 238(1) in respect of a vehicle fitted with pneumatic tyres or regulation 238(2) and 243 in respect of a vehicle fitted with tyres other than pneumatic tyres;

(b)

Part II

Equipment on or in respect of vehicles

149. Brakes on motor vehicles

No person shall operate on a public road a motor vehicle, other than a motorcycle, motor tricycle, motor quadrucycle 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, the brakes may be so constructed that the service brake may be used as a parking brake.

149A. Anti-theft device fitted to brakes prohibited

No person shall operate on a public road a motor vehicle which, according to the registration

certificate thereof, was registered for the first time on or after 1 July 1990, to which is fitted an anti-theft device which is connected to or in anyway interferes with the braking system of such vehicle.

150. Brakes on motor cycle, motor tricycle or motor quadrucycle

No person shall operate on a public road a motorcycle, motor tricycle or motor quadrucycle which is not equipped with two independent braking systems, one of which shall act on the front wheel or wheels and the other which shall act on the rear wheel or wheels and each such system shall have an efficiency at least equivalent to that specified for an emergency brake and when the two systems are applied simultaneously, the combined efficiency shall be at least equivalent to that specified for a service brake.

151. Brakes on trailers

(1) Subject to the provisions of subregulation (4) no person shall operate on a public road a trailer, if-

(a) the gross vehicle mass of such trailer does not exceed 750 kilograms and the gross vehicle mass -

(i) does not exceed half the tare of the drawing vehicle, unless such trailer is equipped with a parking brake or other device to keep such trailer stationary;

(ii) exceeds half the tare of the drawing vehicle but does not exceed such tare, unless such trailer is equipped with a parking brake and either a service brake or an overrun brake; or

(iii) exceeds the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and a service brake;

(b) the gross vehicle mass of such trailer exceeds 750 kilograms but does not exceed 3 500 kilograms and the gross vehicle mass -

(i) does not exceed the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake; or

(ii) exceeds the tare of the drawing vehicle, unless the trailer is equipped with a parking brake and a service brake;

(c) the gross vehicle mass of the trailer exceeds 3 500 kilograms, unless such trailer is equipped with a parking brake and a service brake,

and where more than one trailer is drawn by a drawing vehicle, the foregoing requirements shall apply in respect of each such trailer, and in such event the gross vehicle mass shall be construed as the total of the gross vehicle mass of all trailers so drawn.

[Subreg. (1) substituted by GN R1341/2003]

(2) The service brake of a trailer shall be capable of being operated by the driver of the drawing vehicle while such trailer and drawing vehicle are in motion.

(3) If the service or overrun brake of a trailer is capable of being used as a parking brake, a separate parking brake need not be fitted to such trailer.

(4) Notwithstanding subregulation (1)(c), if a trailer referred to in that subregulation is drawn by a tractor and such tractor is not designed for or capable of operation at a speed exceeding 35 kilometres per hour on a reasonably level road, such trailer may be equipped with an overrun brake in lieu of a service brake.

152. Brakes on pedal cycles

No person shall operate on a public road any pedal cycle unless it is equipped with at least one brake which shall operate on the rear wheel or wheels.

153. Brakes on unspecified vehicles

No person shall operate on a public road any vehicle for which no specific braking system is prescribed in regulations 149 to 156, unless it is equipped with a parking brake or other device for keeping such vehicle stationary.

154. Specifications for brakes

(1) Subject to the provisions of subregulation (2), no person shall, after 1 January 1995, operate on a public road, a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus, bus or tractor which was registered for the first time on or after 1 January 1986, unless the brakes fitted to such vehicle comply with the standard specification SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, the standard specification SABS 1051 “Motor Vehicle Safety Specification for Braking” or, in the case of a trailer with a gross vehicle mass exceeding 3500 kilograms and registered for the first time on or after 14 February 2004, the specification SABS ECE R13 “Uniform provision concerning approval of vehicle categories N, M and O with regard to braking”.

[Subreg. (1) substituted by GN R881/2004]

(2) No person shall operate on a public road a tractor which is not designed for, or capable of operating at a speed exceeding 35 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 SABS 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 SABS 1207 “Motor Vehicle Safety Standard Specification for Braking”, or the standard specification SABS 1051 “Motor Vehicle Safety Specification for Braking”.

(3) a minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, and registered for the first time after 04 September 2006, shall comply with the requirements of the Type II test contemplated in SANS 1207 “Braking” or SANS 20013 “ Uniform provisions concerning the approval of vehicles of categories M, N and O with regard to Braking”.

[Subreg. (3) added by GN 871/2005 and GN R891/2006]

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 35 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 35 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 35 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 vehicles which is not capable of exceeding a speed of 35 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 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 35 km/h

	Initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

Maximum initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

	Initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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 35 km/h

Maximum initial speed in km/h	Maximum stopping distance in m	Minimum deceleration in m/s^2	Minimum equivalent braking force in N/kg
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; or

(b) a suitable mechanical test; or

(c) both tests contemplated in paragraphs (a) and (b).

(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 3 500 kilograms; or

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

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

156. Condition and operation of brakes

(1) A brake required in terms of these regulations, shall-

(a) be in good working order and condition whenever the vehicle to which it is fitted is operated on a public road; and

(b) when tested in terms of regulation 155, except in the case of a motor cycle with side-car, act with approximately equal intensity on the wheels symmetrically placed in relation to the longitudinal centre-line of the vehicle.

(2) No person shall operate on a public road a motor vehicle equipped with a service brake which is operated solely by air or vacuum pressure, unless there is fitted in the driving compartment of such vehicle a device (other than a gauge indicating pressure) whereby the driver of the vehicle is given visible or audible warning of incorrect air or vacuum pressure before the pressure becomes such that the brake is incapable of stopping the vehicle as contemplated in regulation 155.

(3) If a drawn vehicle is equipped with a service brake operated solely by air or vacuum pressure, the device referred to in subregulation (2) shall be fitted in the driving compartment of the drawing vehicle.

157. Vehicles to be equipped with certain lamps and times when certain lamps to be lighted

(1) No person shall operate on a public road a motor vehicle unless-

(a) all lamps fitted to a motor vehicle as contemplated in regulations 159 to 184, are undamaged, properly secured, and capable of being lighted at all times; and

(b) the head lamps, rear lamps and number plate lamps are kept lighted during the period between sunset and sunrise and at any other time when,

due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres: Provided that the provisions of this paragraph shall not apply to a motor vehicle parked off the roadway of a public road or in a parking place demarcated by appropriate road traffic signs or within a distance of 12 metres from a lighted street lamp illuminating the public road on which such vehicle is parked.

(2) No person shall operate on a public road a motor cycle, a motor cycle with a side car, a motor tricycle or motor quadrucycle, unless the headlamp of such vehicle is lighted at all times: Provided that the provisions of this subregulation shall not apply to a motor cycle, motor cycle with side car, motor tricycle or motor quadrucycle manufactured before 31 December 1960 which is used only during the period from sunrise to sunset.

(3) A person operating a motor vehicle on a public road shall extinguish the main-beam of the light emitted by the head lamp of such vehicle if such main-beam could cause a dangerous glare to oncoming traffic.

158. Visibility distance of lights

(1) Where provision is made in regulations 157 to 184, as to the distance from which certain lights and devices shall render objects visible or the distance within which such lights or devices shall be visible, such provision shall apply during the times stated in regulation 157(1)(b) in respect of a vehicle when upon a straight, reasonably level, unlighted public road in clear weather, unless a different time or condition is expressly stated.

(2) Every lamp required to be fitted or to be used in terms of any of these regulations shall emit a light of sufficient brilliance to be visible from a distance of at least 150 metres to a person of normal eyesight.

159. Head lamps

(1) No person shall operate on a public road-

(a) a motor vehicle, other than a motor cycle, a motor tricycle with one wheel in front or trailer, unless it is equipped in front on each side of its longitudinal centre-line with-

(i) one head lamp capable of emitting a main-beam and a dipped-beam;

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam; or

(iii) one head lamp contemplated in item (i) or head lamps contemplated in item (ii) and an additional head lamp capable of emitting a main-beam;

(b) a motor cycle without a side-car or a motor tricycle with one wheel in front, unless it is equipped in front with-

(i) one head lamp capable of emitting a main-beam and a dipped-beam,

(ii) one head lamp capable of emitting a main-beam and one head lamp capable of emitting a dipped-beam, both of which are fitted in the same vertical plane; or

(iii) two headlamps, each capable of emitting a main-beam and a dipped-beam, both of which are fitted in the same horizontal plane, or

(c) a motor cycle with a side-car, unless-

(i) the motor cycle is equipped in front with one head lamp contemplated in paragraph (b)(i) or head lamps contemplated in paragraph (b)(ii) or (iii); and

(ii) the side-car is equipped with one parking lamp which complies with the provisions of regulation 164 or with one head lamp contemplated in paragraph (b)(i), subject to the proviso to regulation 161 (4)(a).

(2) At least one head lamp contemplated in subregulation (1)(a) capable of emitting a dipped-beam or a parking lamp complying with the provisions of regulation 164 shall be so fitted on each side of the longitudinal centre-line of the motor vehicle concerned that the portion of the illuminating surface thereof furthest from the

longitudinal centre-line of the motor vehicle is not more than 400 millimetres from the outer edge of the front of the motor vehicle.

(3) The main-beam and dipped-beam of a head lamp fitted to a motor vehicle first registered on or after 1 January 2002, shall comply with the requirements of standard specification SABS 1046 “Motor vehicle safety specification for lights and light signalling devices installed on motor vehicles and trailers”, and standard specification SABS 1376 “Lights for motor vehicles”, Part 2: “Head lights”.

160. Main-beam

Every head lamp emitting a main-beam of light shall be so adjusted and maintained that-

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 100 metres ahead; and

(b) it can be extinguished by the use of a device which simultaneously shall cause or allow the dipped-beam of light to be emitted or continue to be emitted from a head lamp.

161. Dipped-beam

(1) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a beam pattern with a sharp, clearly defined cut-off line diagonal to the left (hereinafter referred to as the “diagonal cut-off line”) and horizontal to the right (hereinafter referred to as the “horizontal cut-off line”), shall be so adjusted and maintained that, when the motor vehicle concerned is on a reasonably level road such beam at the horizontal cut-off line shall-

(a) slant downwards at a percentage inclination of at least 0,5 percent which percentage inclination shall be calculated in accordance with the formula-

$$\frac{(h_1-h_2)}{L} \times 100, \text{ and}$$

(b) strike the road surface ahead of the motor vehicle within a distance in metres calculated in accordance with the formula $200 \times h_1$

(2) In the formulae referred to in subregulation (1)-

(a) "h_1" represents the height in metres of the head lamp measured to the centre of the head lamp vertically from ground level;

(b) "h_2" represents the height in metres of the horizontal cut-off line measured vertically from ground level at the screen contemplated in subregulation (1); and

(c) "L" represents the distance in metres of the screen contemplated in subregulation (1) measured horizontally from the head lamp as illustrated hereunder.

Click here to see image

(3) Every head lamp emitting a dipped-beam of light which, when projected onto a vertical screen, shows a symmetrical light-pattern or does not have a diagonal and horizontal cut-off line, shall be so adjusted and maintained that when the motor vehicle concerned is on a reasonably level road, the centre of the intense part of such beam shall slant downwards to strike the road surface ahead of the motor vehicle within a distance not exceeding 45 metres.

(4) Every head lamp emitting a dipped-beam of light shall be so adjusted and maintained that-

(a) it shall be capable of adequately illuminating an area ahead of the motor vehicle concerned enabling the driver to see any person, vehicle or substantial object at a distance of at least 45 metres ahead of the motor vehicle: Provided that the provisions of this paragraph shall not apply to a head lamp emitting a dipped-beam of light fitted to the side-car of a motor cycle;

(b) it does not cause a dangerous glare to oncoming traffic on a reasonably level road; and

(c) the intersection of the diagonal and horizontal cut-off lines of a dipped-beam referred to in subregulation (1), or the centre of the intense part of a dipped beam referred to in subregulation (3), shall not deflect to the right.

161A. Daytime running lamp

(1) Any motor vehicle, except a trailer, may be fitted with daytime running lamps.

(2) Daytime running lamps shall be fitted-

(a) not less than 250 millimetres or more than one comma five metres above the ground level; and

(b) towards the front of the motor vehicle in such a manner that the light emitted from such lamp does not cause discomfort to the driver, either directly or indirectly through any of the rear-view mirrors or any other reflecting surfaces of such vehicle.

(3) Daytime running lamps shall be connected in such a manner-

(a) that the rear lamps are on at the same time as the daytime running lamps; and

(b) that they switch off automatically when the head lamps are switched on, except when the headlamps are used to give intermittent luminous warnings at short intervals.

162. Lights to be displayed on stationary or parked motor vehicle

Subject to the proviso to regulation 157(1)(b), no person shall on a public road stop or park a motor vehicle unless-

(a) the head lamps thereof emit a dipped-beam of light complying with the provisions of regulation 161 or a beam of light complying with the provisions of regulation 164 is emitted from parking lamps incorporated in such head lamps; or

(b) if the head lamps thereof are extinguished, light is emitted from two fog lamps or parking lamps complying with the provisions of regulation 163 or 164, respectively.

163. Fog lamps

(1) A motor vehicle may be equipped at the front and at the rear or at the front or rear with-

(a) one fog lamp; or

(b) two fog lamps, one on each side of the longitudinal centre-line of the motor vehicle.

(2) No person shall operate on a public road a motor vehicle which, in terms of subregulation (1) is equipped with a fog lamp or fog lamps, unless-

(a) every fog lamp at the front is so adjusted and maintained that it shall only be capable of emitting a dipped-beam of light complying with the provisions of regulation 161(3) and (4); or

(b) the fog lamp or lamps at the rear can only be brought into operation when any fog lamp at the front or any head lamp of such vehicle is brought into operation.

(3) No fog lamp contemplated in subregulation (1) shall be fitted-

(a) at the front of a motor vehicle with the highest point of its illuminating surface above the highest point of the illuminating surface of a head lamp emitting a dipped-beam of light; or

(b) at the rear of a motor vehicle with the lowest point of its illuminating surface less than 250 millimetres and the highest point thereof more than one metre from ground level.

(4) If -

(a) a motor vehicle, other than a motor cycle and motor tricycle with one wheel in front, is in terms of subregulation (1)(a) equipped with one fog lamp at the front, a parking lamp or parking lamps complying with the provisions of regulation 164, shall be fitted to the motor vehicle concerned in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamp; or

(b) a motor vehicle is in terms of subregulation (1)(b) equipped with two fog lamps at the front and any such lamp is so placed that the portion of its illuminating surface which is furthest from the longitudinal centre-line of the motor vehicle, is further than 400 millimetres from the outer edge of the

front of such vehicle, a parking lamp or parking lamps complying with the provisions of regulation 164 shall be fitted to the motor vehicle and in such a manner that every parking lamp shall be brought into operation simultaneously with the fog lamps.

(5) No fog lamp shall be fitted to the side-car of a motor cycle at the front, unless the motor cycle concerned is equipped with a fog lamp complying with the provisions of this regulation or with a parking lamp complying with the provisions of regulation 164 and which can be brought into operation simultaneously with the fog lamp on the side-car: Provided that if a fog lamp is only fitted to the motor cycle at the front, the side-car shall be equipped with one parking lamp referred to in regulation 159(1)(c)(5) and such parking lamp shall be capable of being brought into operation simultaneously with such fog lamp.

(6) No person shall operate on a public road, a motor vehicle while any fog lamp fitted to such vehicle is lit, except in conditions of poor visibility caused by snow, fog, mist, dust or smoke.

164. Parking lamps

(1) A motor vehicle may be equipped-

(a) in front with one or two parking lamps which shall be visible directly from the front;

(b) at the rear with one or two parking lamps which shall be visible directly from the rear; or

(c) at each side with one parking lamp which shall be visible directly from the front and from the rear.

(2) Any parking lamp-

(a) contemplated in subregulation (1)(a), may form part of a head lamp contemplated in regulation 159, a fog lamp contemplated in regulation 163 or a front position lamp contemplated in regulation 166; and

(b) contemplated in subregulation (1)(b), may form part of a fog lamp contemplated in regulation 163, a rear lamp contemplated in regulation 168 or a stop lamp contemplated in regulation 169.

(3) If a motor vehicle is, in terms of subregulation (1), equipped at the front or at the rear with-

(a) one parking lamp, such lamp shall be fitted on the right side of the motor vehicle; or

(b) two parking lamps, one parking lamp shall be fitted on each side of the longitudinal centre-line of the motor vehicle, so that the portion of the illuminating surface thereof furthest from the longitudinal centre-line of the motor vehicle is not further than 400 millimetre from the outer-edge of the front or rear of the motor vehicle, as the case may be: Provided that in the case of a motor vehicle registered prior to 1 July 1990 the portion of illuminating surface of the parking lamp furthest from the longitudinal centre-line of the motor vehicle may be not further than 500 millimetres from the outer-edge of the front or rear of the motor vehicle.

165. When parking lamps to be kept lighted

(1) No person shall operate on a public road a motor vehicle if on any side of the longitudinal centre-line thereof no head lamp in use is so placed that the portion of its illuminating surface furthest from such centre-line is within 400 millimetres from the outer-edge of the front of the vehicle, unless a parking lamp fitted to that side of the vehicle and complying with regulation 164 is kept lighted.

(2) No person shall operate on a public road a motor vehicle of which only the parking lamps are lighted while such vehicle is in motion.

166. Front-position lamps

(1) No person shall operate on a public road a motor vehicle or a combination of motor vehicles, other than a motor cycle, if any of the outer edges of the widest part of such vehicle or combination or any load thereon projects more than 400 millimetres beyond the illuminating surface of any outermost lamp to the front of such vehicle or combination of motor vehicles which is nearest to such edge, unless there is fitted on each side of such widest part one front-position lamp which shall be visible directly from the front.

(2) The front position lamps contemplated in subregulation (1)-

(a) shall be fitted as near as possible to, but not more than 400 millimetres, or in the case of a trailer, converter dolly or adapter dolly not more than 150 millimetres, from the outer-edges of the widest part of the motor vehicle or combination of motor vehicles concerned or any load thereon, and shall not be less than 350 millimetres or more than two comma one metres above the ground level: Provided that a motor vehicle first registered prior to 1 January 1985 may have such lamps fitted less than 350 millimetres above the ground but such lamps shall be fitted as high as possible; and

(b) shall emit a white light.

167. End-outline-marker lamps

(1) A motor vehicle may be equipped-

(a) in front on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the front; and

(b) at the rear on each side of its longitudinal centre-line with one end-outline-marker lamp which shall be visible directly from the rear.

(2) The end-outline-marker lamps contemplated in subregulation (1)-

(a) shall be fitted as near as possible to the outer-edges of the front and rear of the motor vehicle concerned and as high as possible; and

(b) shall emit a white light to the front and a red light to the rear.

168. Rear lamps

(1) No person shall operate a motor vehicle on a public road, excluding a motor vehicle which was first registered before 1 January 1981, a motor cycle or a motor tricycle, unless such motor vehicle is fitted with at least one lamp on each side at the rear-

(a) emitting a red light to the rear with a minimum intensity of two candelas;

(b) positioned not further than 400 millimetres from the outer edges of the widest part of such motor vehicle; and

(c) positioned not lower than 350 millimetres or higher than one and a half metres above ground level, but if it is not practical, or impossible due to the structure of the vehicle to position such lamps within one and a half metres above ground level, not higher than two comma one metres above ground level.

(2) A motor vehicle which was first registered before 1 January 1981 may be fitted with such lamps in such positions as are prescribed in subregulation (1), but shall be fitted with at least one lamp at the rear, emitting a red light to the rear with a minimum intensity of two candelas, positioned in the centre or to the right of the longitudinal centre-line of such vehicle, not lower than 300 millimetres and not higher than two comma one metres above ground level.

(3) No person shall operate a motor cycle or a motor tricycle on a public road unless such motor cycle or motor tricycle is fitted with such a lamp in such a position at the rear as prescribed in subregulation (2).

(4) Rear lamps fitted to motor vehicles in addition to those prescribed in this regulation may be fitted higher than two comma one metres above ground level.

(5) A motor vehicle which is towed by a breakdown vehicle shall be fitted with a separate temporary set of rear lamps while such motor vehicle is being towed.

169. Stop lamps

(1) No person shall operate a motor vehicle, other than a trailer drawn by a tractor or a tractor, on a public road unless it is fitted with at least one stop lamp on each side at the rear of the motor vehicle, and in the case of a motor cycle one stop lamp at the rear, which shall-

(a) be visible from the rear and shall be unobscured within angles of-

(i) 45 degrees measured across the width of the motor vehicle on either side of a line parallel to the longitudinal centre-line of the motor vehicle and passing through the centre-line of each stop lamp, and

(ii) 15 degrees measured vertically on either side of a horizontal line parallel to the longitudinal centerline of the motor vehicle and passing through the centre-line of each stop lamp but if the height of

the stop lamp above ground level is less than 750 millimetres, such angles, measured below such horizontal line, may be reduced to five degrees;

(b) be fitted at a height of not less than 300 millimetres and not more than two comma one metres above ground level, measured to the centre of the lamp: Provided that additional stop lamps may be fitted above two comma one metres;

(c) be fitted equidistant from, and on each side of, the longitudinal centre-line of such motor vehicle;

(d) when in use, emit light the colour of which shall be red and the intensity of which shall be greater than that of the light emitted by the rear lamp on the motor vehicle and shall be visible in normal sunlight at a distance of not less than 30 metres to a person of normal eyesight;

(e) be so connected that, if the motor vehicle is in motion, such lamp shall come into operation as soon as the operating device of the service brake or similar brake of the motor vehicle or, in the case of a combination of motor vehicles, of the drawing vehicle, is activated; and

(f) be maintained in a clean condition and in good working order.

(2) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of stop lamps which is coordinated with the working of the stop lamps of the breakdown vehicle while such motor vehicle is so towed.

(3) A stop lamp complying with the provisions of subregulation (1) may be incorporated in a rear lamp fitted to a motor vehicle in terms of regulation 168.

170. Number plate lamps

(1) No person shall operate on a public road a motor vehicle, other than a tractor, unless it is fitted with at least one number-plate lamp at the rear, illuminating the number plate or identification card by means of a white light which shall make every letter and figure of such plate or card plainly distinguishable from a distance of at least 20 metres by a person of normal eyesight: Provided that a number plate lamp need not be kept lighted on a motor vehicle parked on a public road.

(2) The beam of light of a number-plate lamp shall not be directed to the rear.

171. Side-marker lamps

(1) A motor vehicle or combination of motor vehicles may, but a breakdown vehicle shall, be fitted with side-marker lamps along each side which, when in operation, shall emit a diffused yellow light: Provided that the side marker lamp furthest forward on the motor vehicle, combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused white or amber light: Provided further that the rearmost side-marker lamp on a motor vehicle or combination of motor vehicles or breakdown vehicle, when in operation, may emit a diffused red or amber light.

(2) Such side-marker lamps shall be so placed that-

(a) there is a lamp within 400 millimetres of each end of the body of each vehicle;

(b) the distance between successive lamps on any motor vehicle or combination of motor vehicles is not more than three comma six metres;

(c) they are not less than 300 millimetres from the ground; and

(d) they face directly outwards from the side to which they are fitted in a direction at right angles to the longitudinal centre-line of the vehicle to which they are fitted.

172. Interior lamps

A lamp emitting a diffused light maybe provided on any motor vehicle for the purpose of illuminating the interior, including the instrument panel thereof, or any entrance thereto.

173. Lamp illuminating notice on motor vehicle

(1) A lamp illuminating a notice relating to the destination of a motor vehicle or its availability for hire may be fitted to any motor vehicle.

(2) A lamp illuminating a notice or token indicating the use of a motor vehicle as an ambulance, blood transfusion service, fire-fighting, police, traffic-control vehicle

or a patrol service vehicle of the Automobile Association, may be fitted to such vehicle.

174. Decorating lamps

A lamp, other than a spot lamp, may be fitted to a motor vehicle taking part in a procession for the purpose of decorating it.

175. Reversing lamps

(1) A motor vehicle may be fitted with a reversing lamp emitting a white light, which illuminates the road to the rear of, or under the vehicle.

(2) Such a lamp shall be under the direct control of the driver and shall be either so fitted as to operate only when the motor vehicle is placed in reverse gear or be connected with a device by which the driver shall be made aware that the lamp is in operation.

(3) Not more than two such lamps shall be fitted to a vehicle and no light shall be emitted there from except when the vehicle is reversing or about to reverse.

176. Identification lamps

(1) A bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms, and which is not a motor vehicle referred to in subregulation (2), (3) or (5), may be fitted above the windscreen with two or more identification lamps and each such lamp shall-

(a) not exceed a capacity of 21 Watts:

(b) be visible from directly in front of the motor vehicle to which it is fitted; and

(c) emit a green or amber light.

(2) An ambulance, fire-fighting or rescue vehicle may be fitted with a lamp or lamps emitting an intermittently-flashing red light in any direction.

(3) (a) Subject to paragraph (b), no person shall operate a motor vehicle fitted with, or in

or on which is displayed, a lamp or lamps emitting a blue light or capable of emitting a blue light.

(b) The provisions of paragraph (a) does not apply to a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995), or a traffic officer, or a member of the South African Defence Force authorised in terms of section 87(1)(g) of the Defence Act, 1957 (Act No. 44 of 1957) to perform police functions, in the execution of his or her duties.

(c) A motor vehicle referred to in paragraph (b) may be fitted with a lamp or lamps emitting an intermittently flashing-

(i) blue light;

(ii) blue and amber light;

(iii) blue and red light; or

(iv) blue, amber and red light, in any direction which may, at the will of the driver, display the word “stop”.

(4) A motor vehicle which is-

(a) a vehicle employed in connection with the maintenance of public road;

(b) engaged in the distribution and supply of electricity;

(c) engaged in the supply of other essential public services;

(d) operated in terms of the authority granted by the MEC in terms of section 81 of the Act;

(e) a breakdown vehicle;

(f) a refuse compactor vehicle;

(g) a vehicle carrying an abnormal load and the vehicle escorting it if any, may, but a breakdown vehicle shall, be fitted with a lamp or lamps capable

of emitting an intermittently-flashing amber light in any direction: Provided that such lamp shall only be used at the place where the breakdown occurred, where the maintenance or other work or an inspection is being carried out, when such breakdown vehicle is towing a motor vehicle, or in the event of a vehicle carrying an abnormal load.

(5) A motor vehicle used by a medical practitioner may be fitted above the windscreen with one lamp emitting an intermittently flashing red light in any direction: Provided that such light may only be used by such medical practitioner in the bona fide exercise of his or her profession.

(6) A vehicle driven by a person while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977), may be fitted with a lamp or lamps emitting an intermittently flashing green light in any direction.

(7) A vehicle -

(a) owned by a body or person registered as a security officer in terms of the Security Officers Act, 1987 (Act No. 92 of 1987); and

(b) driven by a security officer as defined in section 1 of the said Act in the course of rendering a security service, also defined in section 1 of the said Act,

may be fitted with a white lens bar containing a lamp or lamps emitting an intermittently-flashing diffused white light in any direction, and containing a notice illuminated by a white light containing the word “security” and the name of the owner of the vehicle in black letters: Provided that the said lamp or lamps shall not be capable of emitting a rotating or strobe light.

[Subreg. (7) inserted by Gen N 2116/2001]

177. Use of spot lamp

No person shall operate on a public road a motor vehicle if it is fitted with a spot lamp, which can be so adjusted as to enable a beam of light emitted therefrom to be deflected in any direction: Provided that a spot lamp which is adjustable-

(a) may be fitted and used for official purposes on any ambulance, rescue-, fire-fighting-, police-, or traffic-control vehicle;

(b) may be fitted to a vehicle owned by a medical practitioner or veterinarian, and used in the execution of such person's professional duties; or

(c) may be fitted to a breakdown vehicle or a vehicle employed in connection with the supply of electricity or other public essential services: Provided that it is used solely at the scene of an accident or breakdown or for the examination of overhead telephone, telegraph or power lines.

178. Lamps on pedal cycle

(1) A pedal cycle may be fitted in front with a lamp emitting a white light, the intense part of the beam of which shall, when such pedal cycle is on a reasonably level road, strike the surface ahead of such pedal cycle at a distance of not less than three metres and not more than 30 metres.

(2) A pedal cycle may be fitted with one or more lamps emitting a red light directly to the rear.

179. Lamps on animal drawn vehicles

(1) Subject to subregulation (2), no person shall operate on a public road an animal drawn vehicle unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward, and at the rear on both sides of the body thereof, with lamps emitting a red light to the rear: Provided that in the case of a vehicle drawn by animals not controlled by reins, there shall be a person who leads the animals while he or she is carrying a lamp which emits a white light forward at the head of the foremost animal, in lieu of the lamps emitting a white light forward and a red light to the rear.

(2) The provisions of this regulation shall only apply if the vehicle referred to in subregulation (1) is used between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres.

180. Lamps on unspecified vehicles

(1) No person shall operate on a public road a vehicle, other than a perambulator, baby cart

or child's play vehicle, and which is not elsewhere provided for in regulations 157 to 184, between sunset and sunrise and any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly visible at a distance of 150 metres-

(a) unless it is fitted in front on both sides of the body thereof, with lamps emitting a white light forward; and

(b) unless it is fitted at the rear on the extreme right side of the body thereof, with a lamp emitting a red light to the rear.

(2) A lamp contemplated in subregulation (1)(a) shall emit a beam of light of sufficient power to illuminate the roadway immediately ahead of such vehicle but shall not be of such power or design or so fitted as to cause a dangerous glare to oncoming traffic on a reasonably level road.

181. Colour of lights

(1) Subject to the provisions of regulation 170(1), 171(1), 172, 175 or 176, no person shall
operate on a public road a motor vehicle which is fitted with or carries on it a lamp which-

(a) except in the case of a brake anti-lock warning light to the front of a trailer, emits a light which is not white, amber or yellow in colour towards the front;

(b) emits a light which is not yellow or amber in colour towards either side of the motor vehicle; or

(c) except in the case of a direction indicator or reversing lamp complying with the provisions of these regulations, emits a light which is not red in colour towards the rear.

(2) When two or more lamps of the same class emitting light in the same direction are fitted to a vehicle they shall emit light of the same colour.

182. Certain lamps to emit diffused lights

Every lamp fitted to a vehicle, other than the headlamps of a motor vehicle, the front lamp of a pedal cycle, spot lamp and fog lamp, shall emit diffused light when in operation on a public road.

183. Lamps to emit steady light

Unless otherwise provided elsewhere in these regulations, a lamp fitted to any vehicle shall emit a steady light when in operation: Provided that an ambulance, rescue vehicle, fire-fighting vehicle, a motor vehicle operated by a traffic officer in the execution of his or her duties, or a motor vehicle operated by a member of the Service or a member of a municipal police service, both as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995) in the execution of his or her duties, may be equipped with a device which enables the driver of such vehicle to operate the vehicle's head lamps in such a manner that they flash intermittently.

184. Manner in which lamps to be fitted and maintained

(1) The head lamps of a motor vehicle shall be fitted-

(a) at a height of not less than 450 millimetres and not more than one comma four metres above ground level, measured to the centre of the lamp; and

(b) not more than 500 millimetres behind the front end of the vehicle.

(2) The head lamps and fog lamps of a motor vehicle shall, unless the design of the lamps incorporates some other means of preventing a dangerous glare to oncoming traffic, not be fitted with lenses of clear glass or other like material.

(3) When two or more of the same lamps are fitted to a vehicle they shall-

(a) be placed symmetrically in relation to the longitudinal centerline of the vehicle; and

(b) except in the case of side marker lamps and direction-indicator lamps, be so placed that any lamp on the side of the vehicle concerned shall have a corresponding lamp at the same height on the other side of such vehicle.

(4) Every lamp required to be fitted to a vehicle shall be securely fixed.

(5) The lens and reflector of every lamp required to be fitted to or used in connection with any vehicle shall be maintained in an effective and reasonably clean condition.

(6) No lamp required to be fitted to or displayed in connection with a vehicle shall be totally or partially obscured by any fitting or object on the vehicle.

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

[Subreg. (7) added by GN R881/2004]

185. Lamps not prescribed or authorised, prohibited

No lamp other than a lamp prescribed or authorised in terms of these regulations shall at any time be fitted to any vehicle operated on a public road.

186. White retro-reflectors to be fitted on front of certain vehicles

(1) No person shall operate on a public road-

(a) a trailer;

(b) rickshaw; or

(c) animal-drawn vehicle, unless there are fitted, on the front of such vehicle at the same height, two white retro-reflectors, one on each side of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations.

(2) A white retro-reflector-

(a) maybe fitted to a motor vehicle, other than a trailer, in the manner contemplated in subregulation (1) and such retro-reflector shall be so placed that the portion of its reflective surface furthest from the longitudinal centreline of the vehicle is not further than 400 millimetres from the outer edge of the widest portion of the vehicle; and

(b) if fitted to any vehicle not provided for in paragraph (a), shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 150 millimetres from the outer edge of the widest portion of the vehicle.

(3) No person shall operate a pedal cycle on a public road unless there is fitted on the front of such cycle a white retro-reflector complying with the provisions of regulations 189 and 192.

187. Red retro-reflectors to be fitted on rear of certain vehicles

(1) No person shall operate on a public road-

(a) a motor vehicle, other than a motor cycle without side-car or motor tricycle with one wheel at the rear;

(b) rickshaw; or

(c) animal-drawn vehicle, unless there are fitted on the rear of such vehicle at the same height two red retro-reflectors, one on each side, of the longitudinal centre-line thereof and equidistant therefrom and otherwise complying with the provisions of these regulations: Provided that in the case of a combination of motor vehicles, both the drawing vehicle and the rearmost vehicle shall be fitted with such retro-reflectors.

(2) Each retro-reflector referred to in subregulation (1) shall be so placed that the portion of its reflective surface furthest from the longitudinal centre-line of the vehicle is not further than 400 millimetres from the outer edge of the widest part of the vehicle.

(3) No person shall operate any motor cycle without side-car or motor tricycle with one wheel at the rear on a public road unless there is fitted on the rear of such vehicle a red retro-reflector complying with the provisions of these regulations.

(4) No person shall operate a pedal cycle on a public road unless there is fitted on the rear of such cycle a red retro-reflector complying with the provisions of regulations 189 and 192.

188. Yellow retro-reflectors to be fitted on sides of certain motor vehicles

No person shall operate on a public road a motor vehicle or a combination of motor vehicles, if the overall length of such vehicle or combination of vehicles exceeds seven metres, unless there is fitted, on each side of such vehicle, or on each side of every motor vehicle in such combination of vehicles, as the case may be-

(a) one yellow retro-reflector-

(i) within three metres of the front of such vehicle or combination of vehicles;

(ii) within one metre of the back of such vehicle or combination of vehicles; and

(iii) in the case of a combination of motor vehicles, of which a trailer, other than a semi-trailer, forms a part, within three metres of the front of the trailer; and

(b) so many additional yellow retro-reflectors as may be necessary to ensure that no two successive yellow retro- reflectors on any side are more than three comma six metres apart, complying with the provisions of regulations 189 and 192: Provided that-

(i) yellow retro-reflectors need not be fitted to a bus or minibus which is not a school bus, including such a bus or minibus which forms part of a combination of motor vehicles;

(iA) yellow retro-reflectors need not befitted to motor vehicles fitted with retro-reflective material on the sides as prescribed in regulation 192A;

[Item (iA) inserted by Gen N 2116/2001]

(ii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, yellow retro-reflector need not be fitted to such drawing vehicle; and

(iii) in the case of a combination of motor vehicles where the drawing vehicle is a motor car, bus or minibus, which is not a school bus, the front of such combination shall, subject to the provisions of paragraph (i), be deemed to be the front of the vehicle immediately following such drawing vehicle.

189. General requirements for retro-reflectors

(1) Every retro-reflector required to be fitted to a vehicle or load in terms of these regulations shall-

(a) not be lower than 300 millimetres and not higher than one comma five metres from ground level, measured to the centre of the retro-reflector: Provided that if, due to the design of the vehicle, it is impossible to fit retro-reflectors on the sides of the body of such vehicle at the prescribed height, the retro-reflectors shall be fitted as near as possible to such height;

(b) if it is a -

(i) white retro-reflector, be in a vertical position and face squarely to the front;

(ii) red retro-reflector, be in a vertical position and face squarely to the back; and

(iii) yellow retro-reflector, be in a vertical position and face squarely to the side,
but, notwithstanding anything to the contrary contained in these regulation, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.

(c) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective; and

(d) not be fitted to any movable part of the vehicle: Provided that this provision shall not apply to a warning sign contemplated in regulation 191(2)(a).

(2) Notwithstanding anything to the contrary contained in these regulations, if due to the design of the vehicle it is not possible to fit a retro-reflector in the prescribed position, it may be fitted as close as possible to the prescribed position.

190. Rear retro-reflectors on vehicles with certain bodies

If it is impossible to fit retro-reflectors on the body of a vehicle to comply with the requirements of both regulations 187(2) and 189(1)(a), two red retro-reflectors shall be fitted to the rear of such vehicle in the manner contemplated in regulation 187(2) as low

as possible on the body of such vehicle and two additional red retro-reflectors shall be fitted on the rear of the vehicle on the underframe thereof at the height contemplated in regulation 189(1)(a) as far apart as such underframe will permit.

191. Warning sign on rear of certain motor vehicles (chevrons)

(1) For the purposes of this regulation the expression "motor vehicle" shall not include a motor vehicle propelled by electrical power derived from overhead wires, motor car, motor cycle, motor tricycle, motor quadrucycle, tractor, or any other motor vehicle the gross vehicle mass of which does not exceed 3 500 kg and which is not a trailer.

(2) Subject to subregulation (3), no person shall operate on a public road a motor vehicle unless there is fitted at the rear of such vehicle a warning sign which-

(a) is a chevron sign which complies with the requirements referred to in standard specification SABS 1329 "Retro-reflective and Fluorescent Warning Signs for Road Vehicles", Part 4: "Retro-reflective chevron-signs" and Part 5: "Retro-reflective chevron decals";

(b) bears a certification mark;

(c) notwithstanding the provisions of paragraph (a), from 1 January 2001 incorporates both retro-reflective red and retro-reflective yellow chevron strips.

(3) (a) If the design or construction of any motor vehicle does not allow a chevron to be

fitted thereto such chevron may be cut into sections to avoid the interference of protrusions, or its edges may be trimmed to permit fitment to the contour of the vehicle or its equipment, but the chevron pattern shall be substantially maintained.

(b) If the design or construction of any motor vehicle does not allow a modified chevron to be fitted thereto as contemplated in paragraph (a), at least 11 retro-reflectors shall be fitted to such motor vehicle as shown in diagram A below, and in the case of a trailer the gross vehicle mass of which does not exceed 3 500 kg, at least seven retro-reflectors shall be fitted to such trailer as illustrated in diagram B below: Provided that a trailer the gross vehicle mass of which does not exceed 3 500kg may, in

lieu of the said seven retro-reflectors, be fitted with at least one triangular retro-reflectorat each side no further than 400 millimetre from the outer edge of the widest part of such trailer, that comply with the requirements of standard specification SABS ECE R3 “The uniform provisions concerning the approval of retro-reflecting devices for power-driven vehicles and their trailers.

Click here to see Diagrams

(4) Every warning sign required in terms of this regulation, to be displayed on a motor vehicle or on a trailer referred to in subregulation (2), shall-

(a) be in an upright position or within 15 degrees of such position and face squarely to the rear;

(b) be so placed that the lower edge thereof is not more than one comma one metres above ground level: Provided that if, owing to the structure of the vehicle, it is impossible to fit the warning sign at the prescribed height, it shall be fitted as near as possible to such height;

(c) extend horizontally for such distance as is necessary to indicate the overall width of the vehicle to which it is fitted to within 400 millimetres of either side: Provided that these provisions shall not be applied to any chevron fitted in addition to the requirements of this regulation; and

(d) be clean and in good condition and not be obscured to the extent that it will be rendered ineffective.

192. Unlawful use of reflector or reflective material

(1) Subject to subregulation (2), no person shall operate on a public road a vehicle whilst a reflector or reflective material fitted to such vehicle does not reflect a-

(a) white colour to the front of such vehicle;

(b) red colour to the rear of such vehicle; and

(c) yellow colour to the side of such vehicle,

but, notwithstanding anything to the contrary contained in these regulations, a motor vehicle manufactured, built or imported by a registered manufacturer, builder or importer may have a red retro-reflector fitted at the side towards the rear of such motor vehicle.

(2) The provisions of this regulation shall not apply in respect of-

(a) an ambulance, rescue vehicle, police vehicle, a vehicle driven by a traffic officer in the execution of his or her duties and a fire-fighting vehicle;

(b) a number plate;

(c) a warning sign referred to in regulation 191;

(d) direction indicators referred to in regulation 326;

(e) a sign referred to in regulation 293(2) or 295(2); and

(f) retro-reflective material as contemplated in regulation 192A.

(3) Notwithstanding the provisions of subregulation (1) the pedals, pedal arms or spokes of a pedal cycle shall, if such cycle is operated on a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres, be fitted with yellow or white reflectors or reflective material.

192A.Side and rear retro-reflective material to be fitted to vehicles (Contour markings)

(1) For the purposes of this regulation “contour 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 R104) 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 onto the retro-reflective marking material;

(b) that advertising consisting of logos, distinctive markings or letters, or characters may be used if it complies with the standard and used in conjunction with contour markings, excluding strips denoting the manufacturer.

(2) (a) A goods vehicle with a gross vehicle mass exceeding 10 000 kilograms shall be

fitted with contour 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 6 metres shall be fitted with contour markings as contemplated in paragraph (a) from 1 July 2004.

(c) A trailer first registered after 1 July 2004 shall be fitted with side and rear contour markings, as contemplated in paragraph (a).

(d) Any trailer shall from 1 January 2006 be fitted with side and rear contour markings, as contemplated in paragraph (a).

(e) A bus first registered from 1 July 2004 shall be fitted with side and rear markings as contemplated in paragraph (a);

[Para. (e) amended by GN 871/2005 and GN R891/2006]

(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 fitted with side and rear markings as contemplated in paragraph (a).

[Para. (f) substituted by GN 871/2005 and GN R891/2006]

(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 an operating licence, be fitted with side and rear markings as contemplated in paragraph (a).

[Para. (g) added by GN 871/2005 and GN R891/2006]

(h) any minibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall from 1 January 2007 be fitted with side and rear marking as contemplated in paragraph (a).

[Para. (h) added by GN R891/2006]

[Reg. 192A substituted by GN R1341/2003]

193. Motor vehicle to be equipped with direction indicators

(1) No person shall operate on a public road any motor vehicle, other than a tractor or a trailer drawn by a tractor, unless it is equipped on both sides with either the flasher type or illuminated window-type direction indicators which comply with the provisions of regulation 194 or 195, as the case may be: Provided that where a motor vehicle forms part of a combination of motor vehicles and a direction indicator with which such motor vehicle is required to be equipped is obscured by any trailer forming part of such combination, the trailer shall, subject to the provisions of regulation 197, be deemed to be part of such motor vehicle.

(2) The provisions of subregulation (1) shall not apply in respect of-

(a) a motor cycle which, according to the registration certificate thereof, was registered for the first time before 1 July 1976; or

(b) any motor vehicle which, according to the registration certificate thereof, is older than 40 years.

194. Direction indicators of flasher type

Direction indicators of the flasher type shall comply with the following requirements:

(a) Each indicator shall incorporate a lamp or lamps;

(b) when in use such lamp shall show an intermittently-flashing light of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eye-sight;

(c) the indicators shall be equidistant from the longitudinal centre-line of the motor vehicle and as near as possible to, but not more than 500 millimetres from, the outer edge of the front or rear of the motor vehicle;

(d) subject to the provisions of paragraph (e), the indicators shall be so mounted that they are visible from the-

(i) rear, anywhere within an angle of 15 degrees inside and 45 degrees outside; and

(ii) front, anywhere within an angle of 45 degrees outside, of a line which is parallel to the longitudinal centre-line of the vehicle and which passes through the centre of the illuminated area of the indicator;

(dA) The indicator lamp shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;

[Para. (dA) inserted by GN R1341/2003]

(e) where it is not possible to comply with the provisions of paragraph (d) in the case of a single indicator on any one side, one indicator shall be mounted towards the front and one towards the rear so that one shall be visible from the front and the other from the rear of the vehicle to which it is fitted within the limits prescribed by that paragraph;

(f) where any indicator is combined with or mounted within 150 millimetres of any lamp, the intensity of the light emitted from the indicator shall be greater than that from such lamp; and

(g) the indicator lamps when in use shall emit white, yellow or amber light to the front, and yellow, amber or red light to the rear and any one indicator may emit light towards the front and the rear simultaneously or emit light only to the front or only to the rear according to its position on the vehicle.

195. Direction indicator of illuminated window-type

Direction indicators of the illuminated window type shall comply with the following requirements:

(a) Each indicator shall incorporate a lamp which, when in operation, shall emit a red, yellow or amber light to the rear and of such intensity that it is clearly visible in normal daylight at a distance of not less than 30 metres to a person of normal eyesight;

(aA) The indicator shall not be fitted in such a manner that the lamp is higher than the highest point of the roof of the vehicle to which such lamp is fitted;

[Para. (aA) inserted by GN R1341/2003]

(b) the indicator shall be at least 150 millimetres long, 25 millimetres wide and arrow-shaped; and

(c) the indicator shall be fitted to the rear of the vehicle.

196. Combination of different types of direction indicators

Notwithstanding anything contained in these regulations, the fitting of two direction indicators of one of the types referred to in regulations 194 and 195 on the front half of a vehicle and two direction indicators of another type referred to in the said regulations on the rear half of such vehicle shall be permitted.

197. Direction indicators on motor vehicles with overall length in excess of 7,6 metres

(1) No person shall operate on a public road any motor vehicle or combination of motor vehicles of an overall length in excess of seven comma six metres unless it is equipped on both sides towards the front and towards the rear with the flasher type or illuminated window-type direction indicators which complies with the provisions of regulation 194 or 195, as the case may be.

(2) The direction indicators towards the rear referred to in subregulation (1) shall, unless they are the flasher type direction indicators, be-

(a) within 600 millimetres of the rear end of the vehicle; or

(b) in the case of a combination of motor vehicles, within 600 millimetres of the rear end of the last vehicle of such combination.

(3) The provisions of this regulation shall not apply in respect of a tractor or a combination of motor vehicles the drawing vehicle of which is a tractor.

198. General requirements for direction indicators

(1) Direction indicators shall be fitted at a height of not less than 450 millimetres and not more than two comma one metres above ground level and shall be unobscured when in use: Provided that-

(a) in respect of any flasher type direction indicator no minimum height shall apply; and

(b) a flasher type direction indicator fitted on the side of a motor vehicle shall not be more than two comma three metres above ground level.

(2) If lamps are incorporated in direction indicators, the lamps showing to the front shall be located on the same level and the lamps showing to the rear shall be located on the same level.

(3) Unless the direction indicators are so fitted that they are directly or by reflection visible to the driver of the vehicle concerned when the driver is in the driving position, a device shall be provided whereby the driver shall be given visible or audible warning when the indicators are in operation.

(4) The direction indicators shall be so fitted that the indicators on one side can be operated separately from those on the other side.

(5) (a) No person shall operate on a public road a motor vehicle, unless it is fitted with a
separate switch to operate all the direction indicators simultaneously.

(b) The provisions of paragraph (a) shall not apply to-

(i) a tractor;

(ii) a trailer;

(iii) a motor cycle;

(iv) a motor tricycle;

(v) a motor quadrucycle; or

(vi) any motor vehicle which according to the registration certificate thereof, was registered for the first time before 1 January 1986.

implex

(6) (a) The driver of a motor vehicle fitted with a separate switch to operate all the direction indicators simultaneously, shall put into operation simultaneously all the direction indicators fitted to such vehicle, when the vehicle is-

(i) stationary in a hazardous position; or

(ii) in motion in an emergency situation.

(b) The driver of a motor vehicle shall not put into operation simultaneously all the direction indicators fitted to such motor vehicle in a circumstance other than those referred to in paragraph (a).

(7) If more than one direction indicator is fitted to indicate any one turning movement all such indicators shall be inter-connected so as to operate simultaneously.

(8) Direction indicators shall be maintained in good working order.

(9) All lamps of direction indicators shall, when in use, emit diffused light.

(10) A motor vehicle which is being towed by a breakdown vehicle shall be fitted with a separate temporary set of direction indicators which is coordinated with the working of the direction indicators of the breakdown vehicle while such motor vehicle is so towed.

199. Prohibition of use of direction indicator not complying with regulations

The driver of a motor vehicle on a public road shall not make use of any direction indicator not complying with the provisions of these regulations.

200. Steering gear

(1) No person shall operate on a public road a motor vehicle-

(a) unless all parts of the steering gear are maintained in a condition which enables the vehicle to be steered safely and efficiently;

(b) unless, in addition to the requirements of paragraph (a), all parts of the steering mechanism are so adjusted that, unless otherwise designed by the manufacturer, the amount of movement which the steering wheel

makes before the steering gear becomes effective in changing the direction of the steerable wheels from a position where such wheels are parallel to the longitudinal centre-line of the vehicle to the right or left, is no more than 12,5 percent of the outside circumference of the steering wheel (that is to say, 45 degrees); and

(c) which is fitted with an anti-theft device which enables the steering wheel to be disengaged or disconnected from the steering mechanism of the vehicle.

(2) (a) Subject to paragraph (b), no person shall operate on a public road a motor vehicle

first registered in the Republic or any other country and into his or her name on or after 1 January 2000, the steering wheel of which is on the left hand side.

(b) Paragraph (a) does not apply in respect of a vehicle manufactured, built or imported by a registered manufacturer, builder or importer for the purpose of export or for the purpose of testing, assessment or development, if such vehicle is operated on a public road under an exemption in terms of section 81 of the Act.

[Subreg. (2) substituted by GN R881/2004]

(3) No person shall operate on a public road a motor cycle -

(a) unless the handlebars thereof are symmetrically placed in relation to the longitudinal centre-line of the cycle;

(b) unless the distance between the outside edges of the handlebars is at least 600 millimetres in respect of a motor cycle with an engine with a cylinder capacity of 200 cubic centimetres or more and at least 500 millimetres in respect of all other motor cycles; or

(c) of which the outer ends of the handgrips on the handlebars are-

(i) higher than 500 millimetres above the seat height; or

(ii) lower than the seat height, and more than 800 millimetres apart.

201. Warning devices

(1) Subject to the provisions of sections 58(3) and 60 of the Act, no person shall operate on
a public road-

(a) a self-propelled motor vehicle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of emitting a sound which, under normal conditions, is clearly audible by a person of normal hearing from a distance of at least 90 metres;

(b) a pedal cycle, unless it is equipped with an efficient warning device which is in good working order and, when used, capable of giving adequate warning of its approach;

(c) a vehicle to which a siren is fitted; or

(d) a vehicle to which a device is fitted which emits a sound of which the tone of pitch varies:

Provided that the provisions of paragraphs (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, a emergency medical response vehicle, ambulance or vehicle driven by a traffic officer in the carrying out of his or her duties, or to a vehicle driven by a person while engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977).

[Subreg. (1) substituted by GN R1341/2003]

(2) The device referred to in paragraph (b) of the proviso to sections 58(3) and 60(b) of the Act shall be capable of emitting a sound of which the tones of pitch shall-

(a) be

Click here to see image

(commonly known as the “Klaxon”}

(b) sweep rapidly between 400 and 1 500 Hertz at a rate of between 120 and 180 cycles per minute (commonly known as the “yelp”); or

(c) sweep slowly between 400 and 1500 Hertz at a rate of between six and nine cycles per minute (commonly known as the “wail”).

202. Glass of windscreen, window and partitions

(1) No person shall operate on a public road any motor vehicle having a windscreen, window or partition made of transparent material-

(a) unless such material affords the driver sufficient visibility for safe driving of such vehicle;

(b) unless in the case of a windscreen, other than a windscreen fitted to a motor cycle or motor tricycle, such transparent material-

(i) is glass; and

(ii) in respect of a motor vehicle which, according to the registration certificate thereof was registered for the first time after the year 1958, complies with the provisions of paragraph (a) even when shattered; and

(c) unless, in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after the year 1958, such transparent material is safety glass and every pane thereof is permanently marked with the name or trade mark of the manufacturer thereof or the trade name of the glass and is clearly identifiable as safety glass by a permanent mark indicating it as such.

(2) Notwithstanding the provisions of paragraphs (b) and (c) of subregulation (1), the transparent material -

(a) with which -

(i) a window in the roof of a motor vehicle;

(ii) a window or partition of a bus or a minibus; or

(iii) a window or partition of a semi-trailer designed or adapted for the conveyance of passengers, is made, may consist of ultrahigh impact acrylic or polycarbonate plastic material where each pane

thereof is permanently marked with the name or trademark of the manufacturer thereof or the trade name of the material and such material is clearly identifiable as ultrahigh impact acrylic or polycarbonate plastic material by a permanent mark describing it as such;

(b) with which a window or partition or a removable or collapsible hood or canopy of a motor vehicle is made, may consist of a flexible plastic material; and

(c) with which a window or partition of a trailer, not designed or adapted for the conveyance of passengers, is made, may in the case where such trailer, according to the registration certificate thereof-

(i) was registered for the first time before 1 January 1987, consist of acrylic or polycarbonate plastic material or of glass; or

(ii) was registered for the first time on or after 1 January 1987, consist of acrylic or polycarbonate plastic material.

(3) No person shall operate on a public road any motor vehicle -

(a) unless the visible light transmittance through-

(i) the windscreen is at least 70 percent; and

(ii) any other window is at least 35 percent, when measured in accordance with paragraph 6.3 of the standard specification SABS 1191 “Safety glass for windows”;

(b) unless any film or tinting material applied to any windscreen, window or partition is free from bubbles, tears or scratches; and

(c) if, from 1 January 2000, any material or film, with a textured surface, displaying a picture or graphics is applied to the rear window that covers more than one-sixteenth of such rear window, or windscreen or a side window.

[Para. (c) substituted by GN R1341/2003]

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

[Subreg. (4) substituted by GN R881/2004]

203. Windscreen wiper

No person shall operate on a public road a motor vehicle with a windscreen which is not fitted with at least one windscreen wiper which shall be capable of operation by other than manual means and shall, when in operation, wipe the outside of the windscreen directly in front of the driver, continuously, evenly and adequately: Provided that the provisions of this regulation shall not apply to a motorcycle, a motor tricycle or a motor quadrucycle without a fixed hood.

204. Driving view to be unobstructed

(1) No person shall operate on a public road a motor vehicle-

(a) which is not so constructed and maintained as to afford the driver thereof a full and clear view of the roadway ahead and to his or her right and left when the vehicle is in use;

(b) which is not fitted with a rearview mirror or mirrors enabling the driver of such vehicle, when he or she is in the driving position, to see in clear weather a clear reflection of traffic to the rear: Provided that the provisions of this paragraph shall not apply in respect of a tractor;

(c) which is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rearview mirror on the driving side and an interior rearview mirror: Provided that where the interior rearview mirror does not enable the driver, when he or she is in the driving position, to see in clear weather, a clear reflection of traffic to the rear, an additional exterior rearview mirror shall be fitted on the side opposite to the driving seat and in such a case it shall not be necessary to fit an interior rearview mirror;

(d) which is a minibus, bus or goods vehicle, the gross vehicle mass of, which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January

1987, unless it is fitted with an exterior rearview mirror on the driving side and an exterior rearview mirror on the side opposite to the driving seat; or

(e) which is a motor cycle, a motor tricycle or motor quadrucycle unless it is fitted with a rearview mirror on the right side of the handlebars thereof, and such vehicle shall also be fitted with a rearview mirror on the left side of its handlebars.

(2) Every rearview mirror of a motor vehicle -

(a) which-

(i) is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1976; or

(ii) is a minibus, bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time during the period 1 January 1976 to 31 December 1986, shall be either flat or spherically convex and have an average radius of curvature of not less than one comma two metres; or

(b) contemplated in subregulation (1)(d) shall be either flat or spherically convex and have an average radius or curvature of not less than one comma eight metres.

205. Fuel tank, electrical wiring and battery

No person shall operate on a public road a motor vehicle-

(a) if the fuel tank, carburettor, fuel receptacle or fuel pipe thereof is defective or so exposed that it constitutes a source of danger;

(b) if the filling orifice of the fuel tank is not fitted with an effective cap; or

(c) Unless the electrical wiring and battery are properly installed, insulated and maintained so that such wiring and battery do not constitute a source of danger.

206. Engine of motor vehicle to be covered

No person shall operate on a public road a motor vehicle, other than a motor cycle or other cycle, unless the engine thereof is so covered as not to be a source of danger.

207. Compulsory wearing of protective helmet

(1) No person shall drive or be a passenger on a motor cycle, motor tricycle or a motor quadrucycle, or be a passenger in the side-car attached to a motor cycle, on a public road, unless he or she is wearing a protective helmet-

(a) which is specially designed for use in connection with such cycle; and

(b) which fits him or her properly and of which the chin strap is properly fastened under the chin.

(2) After expiry of three years from the date of commencement of this regulation, no person shall drive or be a passenger on a pedal cycle on a public road unless he or she is wearing a protective helmet which fits him or her properly and of which the chin straps is properly fastened under the chin.

(3) The driver of a motor cycle, motor tricycle, motor quadrucycle or pedal cycle shall ensure that any passenger in or on such cycle who is younger than 14 years, complies with the provisions of subregulation (1) or (2), as the case may be.

(4) Notwithstanding the provisions of subregulations (1) and (3), the driver and passengers of a motor cycle-

(a) equipped with a seatbelt anchorages that comply with the requirements of standard specification SABS 1430 “Motor vehicle safety-anchorages for restraining devices in motor vehicles”, for the driver and passengers (if any);

(b) the engine of which can not move unless the driver and passengers (if any), of the motor cycle wears the seatbelt referred to in paragraph (a); and

(c) that complies with the requirements of annex 11 of the standard specification SABS 1440 “Motor vehicle safety - The steering mechanism of motor vehicles (M, only) - behaviour on impact”,

may drive or be passengers on such motor cycle on a public road while not wearing a protective helmet.

[Reg. 207 substituted by Gen N 2116/2001]

208. Manner in which side-car to be attached to motor cycle

No person shall operate on a public road a motorcycle with side-car, unless such side-car is attached to the left side of the motor cycle in such a manner that the centre-line of the axle of the side-car is within the wheelbase of the motor cycle: Provided that no side-car shall be attached to a motor cycle having an engine with a cylinder capacity of less than 50 cubic centimetres.

209. Exhaust silencers and exhaust pipes

No person shall operate on a public road a motor vehicle-

(a) unless an efficient exhaust silencer or muffling device is affixed thereto in such a manner that the exhaust gas from the engine is projected through such silencer or muffling device, which shall be so constructed as to reduce and muffle in an effective manner the sound produced by such exhaust;

(b) if any mechanism or device is attached thereto enabling the exhaust gas from the engine of such motor vehicle to be projected otherwise than through the silencer or muffling device referred to in paragraph (a);

(c) if the exhaust gas or smoke from the engine is so dense as to cause a nuisance to, or obstruct the vision of other road users;

(d) if the exhaust pipe or silencer thereof is in such a position that oil or other flammable liquid or material can drip or fall onto it, or is not in efficient working order, or is so placed and maintained that exhaust gas or smoke leaks into the driving cab or passenger compartment of the vehicle; and

(e) which, when tested, exceeds the limits prescribed in code of practice SABS 0181 “The Measurement of Noise Emitted by Road Vehicles when Stationary”.

210. Entrances and exits

(1) (a) No person shall operate on a public road a motor vehicle with a fixed hood and a

tare in excess of 570 kilograms unless such vehicle has at least -

(i) a convenient means of entrance and exit on both the left side and the right side; or

(ii) such means of entrance and exit on either the left side or the right side and a ready means of escape on the side opposite to such means of entrance and exit or at the rear, for the occupants thereof.

(b) A motor vehicle with a fixed hood and a tare in excess of 570 kilograms that is conveying passengers in a separate compartment, and

(i) which does not comply with the provisions of paragraph (a)(i) or (a)(ii); or

(ii) which does not afford such passengers unobstructed access to the driving compartment, shall have at least a convenient means of entrance and exit at the rear for such passengers.

(2) An entrance and exit and a means of escape referred to in subregulation (1), shall be protected with a door or other effective barrier: Provided that a means of entrance and exit at the rear of a motor vehicle need not be so protected.

(3) A door or barrier contemplated in subregulation (2) or a door or other barrier with which a means of entrance and exit at the rear of a motor vehicle is protected, shall be

(a) capable of being opened and closed from both the outside and the inside; and

(b) closed and clear of any obstruction when the vehicle is in motion:

Provided that the provisions of paragraph (a) shall not apply to a means of escape which has a barrier which is capable of being opened by being knocked out.

(4) The provisions of this regulation shall not apply to a minibus, bus or the separate compartment of a motor vehicle in which prisoners are conveyed.

211. Motor vehicle to be capable of travelling backwards and forwards

No person shall operate on a public road a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, the tare of which exceeds 570 kilograms, unless it can be driven backwards and forwards.

212. Tyres

No person shall operate on a public road-

(a) a motor vehicle, other than a tractor or trailer, which is equipped with a metal tyre;

(b) a tractor or trailer, other than an animal-drawn vehicle, which is equipped with a metal tyre of less than 130 millimetres in width;

(c) an animal-drawn vehicle which is equipped with a metal tyre less than 40 millimetres in width;

(d) a vehicle which is equipped with a metal tyre unless the whole width of the tread of the tyre is at all times in direct contact with the surface of the road;

(e) a vehicle which is equipped with a tyre which is in such a state of disrepair or in such a condition that it may cause or is likely to cause damage to the road surface or may be or is likely to be a danger;

(f) a motor vehicle which is equipped with a pneumatic tyre of which the rubber covering is so worn or damaged that the fabric or cord used in the construction of such tyre is exposed;

(g) a motor vehicle of which a tyre is so constructed and fitted that the metal part of the wheel to which such tyre is fitted may come into contact with the road surface;

(h) a motor cycle which is equipped with a retreaded tyre;

(i) a motor vehicle which is equipped with a regrooved tyre having a bead diameter of 430 millimetres or less;

(j) a motor vehicle-

(i) which is fitted with a pneumatic tyre unless such tyre displays throughout, across its breadth and around its entire circumference, a pattern which is clearly visible, and has a tread of at least one millimetre in depth, or

(ii) which is fitted with a pneumatic tyre which contains a tyre tread depth indicator, if the tread is level with the tyre tread depth indicator:

Provided that this paragraph shall not apply in respect of a motor cycle with an engine which has a cylinder capacity not exceeding 50 cubic centimetres, or a trailer drawn by a tractor at a speed not exceeding 35 km/h;

[Para. (j) amended by Gen N 2116/2001]

(k) a motor cycle with an engine having a cylinder capacity not exceeding 50 cubic centimetres, which is fitted with a pneumatic tyre which does not at any position on the tread thereof have a visible tread pattern over at least 80 percent of the full width of the tread;

(1) a motor vehicle which is equipped with a pneumatic tyre which has a break in its fabric or which has a cut, measured in any direction on the outside of the tyre and of such depth that it reaches the cords used in the construction of such tyre, in excess of 25 millimetres or 10 percent of the maximum width of the tyre, whichever is the greater;

[Para. (l) amended by GN 871/2005 and GN R891/2006]

(m) a motor vehicle which is equipped with a pneumatic tyre which has a lump or bulge caused by the separation of or a partial break in its structure;

(n) A minibus, midibus, or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with commercial steel radial tyres;

[Para. (n) added by GN 871/2005]

(o) A minibus, midibus or bus, operating in terms of an operating licence issued in accordance with the provisions of the NLTTA unless the steering wheels of such minibus, midibus or bus are fitted with an anti-burst stabilizer device.

[Para. (o) added by GN 871/2005 and GN R891/2006 with effect from a date published by the Minister by notice in the Gazette]

213. Seatbelts

(1) For the purpose of this regulation-

(a) an adult is a person over the age of 14 years or taller than one comma five metres; and

(b) a child is a person between the age of three years and 14 years, except where such person is taller than one comma five metres.

(2) Any reference to a safety belt in these regulations shall be construed as a reference to a seat belt.

(3) (a) Motor vehicles which are required to be fitted with seatbelts in terms of the relevant requirements as contemplated in regulation 216, shall be fitted with seatbelts in accordance therewith.

(b) In addition to the requirements of paragraph (a), no person shall operate a minibus the gross vehicle mass of which exceeds 2 500 kg, unless seatbelts are fitted to the space on the front seat occupied by the driver, and if such front seat has seating accommodation for passengers, unless seatbelts are fitted for the driver and at least one passenger.

(c) No person shall operate a motor vehicle on a public road unless the seatbelts fitted to such motor vehicle are in good working order.

(d) Seatbelts fitted to a motor vehicle may only be removed for repair or replacement purposes and such motor vehicle may not be used on a public road while such seatbelts are being repaired or replaced.

(e) In addition to the requirements of paragraph (a), no person shall operate a minibus or midibus, first registered after 04 September 2006,operating in terms of an operating licence, unless seatbelts are fitted for every seat in the motor vehicle.

[Para. (e) inserted by GN 871/2005, corrected by Gen N 1318/2005 and inserted by GN R891/2006]

(f) The belt configuration for a seat in the rear of the motor vehicle shall be a 2-point belt, also referred to as a lap-type belt with anchorage in accordance with SANS 1430 “Anchorages for restraining devices in motor vehicles”, and installed in accordance with SANS “‘10168 Installation of safety devices (Safety belts in motor vehicles)

[Para. (f) inserted by GN 871/2005 and GN R891/2006]

(4) No adult shall occupy a seat in a motor vehicle operated on a public road which is fitted with a seatbelt unless such person wears such seatbelt: Provided that the provisions of this regulation do not apply while reversing or moving in or out of a parking bay or area.

(5) No adult shall occupy a seat on a row of seats in a motor vehicle operated on a public road which is not fitted with a seatbelt, unless all other seats on such row which are fitted with seatbelts, are already occupied.

(6) The driver of a motor vehicle operated on a public road shall ensure that a child seated on a seat of the motor vehicle-

(a) where it is available in the motor vehicle, uses an appropriate child restraint; or

(b) if no child restraint is available, wears the seatbelt if an unoccupied seat which is fitted with a seatbelt is available.

(7) If no seat, equipped with a seatbelt is available in a motor vehicle the driver of the motor vehicle operated on a public road shall ensure that a child shall, if such motor vehicle is equipped with a rear seat, be seated on such rear seat.

(8) (a) A seatbelt shall comply with the standard specification SABS 1080 “Restraining
devices for occupants of adult build in motor vehicles (Revised requirements)” and bear a certification mark or approval mark.

(b) A child restraint shall comply with the standard specification SABS 1340 “Child restraining devices in motor vehicles” and bear a certification mark or approval mark.

(9) The MEC may exempt a person from the provisions of this regulation on such medical grounds and under such conditions he or she may deem expedient

(10) An exemption from wearing a seatbelt in a prescribed territory shall be deemed to be an exemption in terms of subregulation (9) for the period of validity thereof.

(11) The driver of a motor vehicle shall ensure that all persons travelling in such motor vehicle shall wear a seat belt as contemplated in this regulation.

[Subreg. (11) added by GN R1341/2003]

214. Emergency warning signs (Triangles)

(1) For the purpose of this regulation -

(a) the expression "motor vehicle" excludes an ambulance or motor-car first registered before 1 July 2006, a motor cycle, motor tricycle or a motor quadrucycle;

(b) "reflective material" means reflective material which under all circumstances is capable of reflecting light; and

(c) the expression "warning triangle " means -

(i) for goods vehicles and minibuses with a gross vehicle mass of 3500 kilograms or less, a double sided sign having the shape, design, minimum dimensions and colours as illustrated hereunder and of which the red portion on each side -

(aa) shall consist of red reflective material; or

(bb) shall be painted red and have retro-reflectors in each corner; or

[Para. (c) substituted by GN 871/2005 and GN R891/2006]

Click here to see figure

[Figure substituted by GN R891/2006]

(ii) for any other motor vehicle, a warning sign complying with the requirements of standard specifications SABS 1329 "Retro-Reflective and Fluorescent Warning Signs For Road Vehicles", Part 1: "Triangles" and bears a certification mark. Provided that in the case of a combination of motor vehicles, the emergency warning

sign for every motor vehicle of such combination may be carried on the drawing vehicle.

(2) Where a motor vehicle is for any reason stationary on the roadway or the shoulder of a public road, the driver of such vehicle shall display or cause to be displayed at least one emergency warning signs in the manner contemplated in subregulation (4).

(3) No person shall, without lawful cause, remove or tamper with any emergency warning sign, which is being displayed in accordance with the provisions of this regulation.

(4) At least one emergency warning sign shall be displayed in the following manner:

(a) The sign shall be placed not less than 45 metres from the motor vehicle along the roadway of the public road concerned in the direction from which traffic will approach such vehicle when travelling on the side of the roadway closest to such motor vehicle;

(b) the sign shall be placed approximately as far from the edge of the roadway as the transverse centre of the motor vehicle is from the edge of the roadway; and

(c) the reflective side of the sign shall face in the direction from which any traffic will approach.

(5) The provisions of subregulation (2) shall not apply where a motor vehicle is stationary-

(a) in a place where a road traffic sign authorises the loading or unloading of a vehicle;

(b) in compliance with any direction conveyed by a road traffic sign or given by a traffic officer;

(c) on account of other traffic on the public road concerned and while the driver occupies the driving seat of such motor vehicle; or

(d) in the course of events accompanying the carrying out of a State or municipal function.

[Reg. 214 substituted by GN R1341/2003 and GN R881/2004]

215. Speedometers

(1) No person shall operate on a public road a motor vehicle which is designed for or capable of reaching a speed of 60 kilometres per hour or more on a reasonably level road, unless such vehicle is equipped with a speedometer which is in a good working order.

(1A) No person shall operate a minibus, midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless such minibus, midibus or bus is fitted with a speed governor;

[Subreg. (1A) inserted by GN R891/2006 with effect from a date published by the Minister by notice in the Gazette]

(2) The provisions of subregulation (1) shall not apply to -

(a) a trailer; or

(b) new motor vehicle while-

(i) being delivered by a motor transport contractor in the course of his or her business,

(ii) being delivered by a manufacturer to a motor dealer; or

(iii) being used by a motor dealer in the course of his or her business for the purpose to sell, exchange or repair of such vehicle or to build a permanent structure thereon.

216. Motor vehicles operated on public road to comply with compulsory vehicle specifications

(1) A motor car, minibus, bus or goods vehicle fitted with at least four wheels, or a trailer, operated on a public road, shall comply with the relevant requirements as specified in the Government Notices issued in terms of section 22 of the Standards Act, 1993 (Act No. 29 of 1993) and listed in Annex A to code of practice SABS 047: “The testing of motor vehicles for roadworthiness”.

(2) No person shall operate on a public road a motor vehicle unless all the equipment required to be on such motor vehicle in terms of subregulation (1), is fitted to such vehicle and in good working order.

(3) Notwithstanding anything pertaining to the extent of the application of the requirements referred to in subregulation (1), any motor vehicle design or any design of a motor vehicle modification submitted to the inspectorate of manufacturers, builders and importers in terms of regulation 43, shall comply with the requirements relevant to such motor vehicle design or any design of a motor vehicle modification.

217. Wheel flaps

(1) After 1 July 1999, no person shall operate a trailer with a gross vehicle mass exceeding 3 500 kg, or a bus or goods vehicle with a gross vehicle mass exceeding 7 500 kg, on a public road unless it is fitted with wheel flaps-

(a) which are properly maintained and approved by the vehicle manufacturer; or

(b) which comply with standard specification SABS 1496 wheel flaps fitted to motor vehicles.

(2) The provisions of subregulation (1) shall not apply to-

(a) a chassis or a cab and chassis which is being driven to a manufacturer, builder or motor dealer;

(b) a truck-tractor; or

(c) a vehicle which complies with the provisions of standard specification SABS 1496 “Wheel flaps fitted to motor vehicles”, due to its design.

218. Rear underrun protection device

Subject to such exemptions as maybe provided for under any specification as referred to in regulation 216, a rear underrun protection device which complies with the standard specification SABS 1055 “Rear underrun protection devices”, shall be fitted to-

(a) a trailer the gross vehicle mass of which exceeds 3 500 kg, first registered on or after 1 January 1988;

(b) any other goods vehicle the gross vehicle mass of which exceeds 12 000 kg, first registered on or after 1 January 1988, but after 1 January 2000, such rear underrun protection device shall be fitted to any trailer the gross vehicle mass of which exceeds 3 500 kg and any goods vehicle the gross vehicle mass of which exceeds 12 000 kg.

219. Axle or axle unit to be. fitted to semi-trailer

A semi-trailer first registered on or after 1 July 1999, shall be fitted with only one axle or one axle unit, which axle unit shall be fitted with suspension of one type only namely either air suspension, steel suspension, or rubber suspension.

220. Certain vehicles exempt from certain provisions of this Part

(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine, is exempt from the provisions of this Part, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210, 211 and 212: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.

(2) Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for *bona fide* agricultural, horticultural, viticultural or pastoral pursuits and

when operated on a public road, shall, except for the provisions of regulations 149, 149A, 151, 153, 154, 155, 156, 200, 202, 203, 204, 205, 209, 210 and 212, be excluded from the provisions of this part: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) no such vehicle shall be operated on a freeway.

(3) A vintage motor vehicle is exempt from any provisions of this Part in so far as the fitment of the equipment required in terms of this Part will alter the original design and equipment of such motor vehicle.

Part III

Dimensions of vehicles

221. Overall length of vehicle

No person shall operate on a public road-

(a) a trailer which is coupled to a drawing vehicle in such a manner that the trailer and the drawing vehicle cannot swivel in a horizontal plane at the coupling, if the overall length including any drawbar or coupling exceeds one comma eight metres;

(b) a trailer with one axle or one axle unit, other than a semi-trailer-

(i) the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 11,3 metres; or

(ii) the gross vehicle mass of which does not exceed 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds eight metres;

(c) a trailer not referred to in paragraph (b), excluding a semi-trailer, the gross vehicle mass of which exceeds 12 000 kilograms, if the overall length of such trailer, excluding any drawbar or coupling, exceeds 12,5 metres;

(d) an articulated motor vehicle or any other combination of motor vehicles consisting of a drawing vehicle and a semi-trailer, if the overall length of such motor vehicle or combination of motor vehicles, including any drawbar or coupling, exceeds 18,5 metres;

(e) a bus-train, if the overall length thereof exceeds 22 metres;

[Para. (e) amended by GN R1341/2003]

(eA) a bus, if the overall length thereof exceeds 15 metres;

[Para. (eA) inserted by GN R1341/2003]

(f) any other vehicles, excluding a semi-trailer, if the overall length thereof, including any drawbar or coupling, exceeds 12,5 metres; or

(g) any other combination of motor vehicles, if the overall length thereof, including any drawbar or coupling, exceeds 22 metres: Provided that the provisions of this paragraph shall not apply to a breakdown vehicle while towing another motor vehicle.

Provided that equipment fitted to the front of a vehicle to protect its bodywork and lighting equipment and that increases the overall length of that vehicle by not more than 300 millimetres, shall not be taken into account for the purpose of calculation of the overall length of a vehicle: Provided further that the said protection equipment does not include the bumper fitted by the manufacturer of the motor vehicle concerned.

[Proviso inserted by Gen N 2116/2001]

222. Restriction on combination of motor vehicles

(1) Subject to subregulation (3), no person shall operate on a public road any combination of motor vehicles-

(a) other than a drawing vehicle and one or two trailers;

(b) other than a motor vehicle drawing one other motor vehicle which is not a trailer; and

(c) other than a motor vehicle drawing another motor vehicle which is not a trailer, and a trailer, in the case of an emergency or a breakdown.

(2) Subject to subregulation (3), no person shall operate on a public road a combination of motor vehicles-

(a) consisting of a trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane, if the combined length of such trailer, including any drawbar or coupling and the rear overhang of the drawing vehicle, exceeds three comma one metres;

(b) consisting of a trailer or trailers attached to a drawing vehicle if the length of the drawbar of any trailer in such combination, where such trailer has more than one axle, exceeds two metres: Provided that in the case of an underslung coupling, the drawbar may exceed two metres if the distance between the two vehicles does not exceed two comma five metres.

(3) Subject to regulation 239(2), any combination of vehicles may be towed by a breakdown vehicle if the brake system of the towed combination, excluding the drawing vehicle of such combination, is functional and coordinated with the working of the brakes of the breakdown vehicle.

(4) For the purposes of paragraph (a) of subregulation (1), a converter dolly shall, when used in combination with a semi-trailer, be deemed not to be a trailer.

(5) Notwithstanding anything contained in this regulation, no person shall use a breakdown vehicle or motor vehicle, that must display the information referred to in regulation 245(1)(b)(v), to tow or draw another vehicle on a public road, unless such information is displayed in terms of regulation 245 on such breakdown vehicle or motor vehicle.

[Subreg. (5) inserted by Gen N 2116/2001]

223. Overall width of vehicle

No person shall operate on a public road-

(a) a bus of which the distance between the centre-lines of the tyres of the two front wheels exceeds one comma nine metres, if the overall width of such bus exceeds two comma six metres;

(b) a goods vehicle the gross vehicle mass of which is 12 000 kilograms or more, if the overall width thereof exceeds two comma six metres; or

(c) any other vehicle, if the overall width thereof exceeds two and a half metres.

224. Overall height of vehicle and load

No person shall operate on a public road a motor vehicle together with any load thereon, the overall height of which-

(a) in the case of a double-deck bus exceeds four comma six five metres; and

(b) in the case of any other motor vehicle exceeds four comma three metres.

225. Turning radius and wheelbase

No person shall operate on a public road a vehicle-

(a) the maximum turning radius of which exceeds 13,1 metres: Provided that in the case of a bus-train and a twin steer 4 axle rigid goods vehicle, the turning radius exceeds 17,5 metres; and

[Para. (a) substituted by GN R1341/2003]

(b) the wheelbase of which exceeds, in the case of-

(i) a semi-trailer, 10 metres;

[Subpara. (i) substituted by GN R1341/2003]

(ii) a bus-train, 15 metres; or

(iii) any other vehicle, eight and a half metres.

226. Overhang of vehicle

(1) No person shall operate on a public road-

(a) a semi-trailer, the front overhang of which exceeds one comma eight metres; or

(b) a vehicle, other than a semi-trailer or a trailer with one axle or one axle unit, the front overhang of which exceeds

(i) 60 percent of the wheelbase;

(ii) six comma two metres in the case of a vehicle having the front surface of the back rest of the driving seat at seat level not more than one comma seven metres from the front end of the vehicle when such seat, if adjustable, is in the rearmost position, lets half the wheelbase: Provided that the wheelbase of a bus-train shall be the distance measured from the centre of the front axle to the centre of the middle axle; or

(iii) five comma eight metres in the case of any other vehicle, less half the wheelbase.

(2) No person shall operate on a public road-

(a) a vehicle designed or adapted for use in connection with street cleaning or the disposal of refuse or sewage, or any vehicle referred to in regulations 220, 230 or 249, or any bus, or self- propelled caravan, the rear overhang of which exceeds 70 percent of its wheel base;

(b) a trailer, other than a semi-trailer, which is equipped with-

(i) one axle;

(ii) one axle unit; or

(iii) two axles, the distance between the centre-lines of which is less than one comma two metres, if the rear overhang exceeds 50 percent of the length of the body of such trailer; or

(c) any vehicle, not referred to in paragraph (a) or (b), the rear overhang of which exceeds 60 percent of its wheelbase.

227. Projections in case of vehicle other than motor cycle, motor tricycle, motor quadrucycle or pedal cycle

(1) No person shall operate on a public road a vehicle, other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle-

(a) carrying any goods or fittings which project-

(i) either side of the longitudinal centre-line of the vehicle by more than-

(aa) in the case of a bus contemplated in regulation 223(a) or a goods vehicle contemplated in regulation 223(b), one comma three metres; or

(bb) in the case of any other vehicle, one comma two five metres:

Provided that any side mirror or direction indicator on the vehicle shall not be taken into account;

(ii) more than 300 millimetres beyond the front end of the vehicle; or

(iii) more than one comma eight metres beyond the rear end of the vehicle; or

(b) of which-

(i) the front overhang, together with any projection, exceeds the front overhang as provided in regulation 226(1)(b); or

(ii) any bracket projects more than 150 millimetres beyond the widest part of the vehicle.

(2) No person shall operate on a public road a vehicle or combination of vehicles where the combined length of such vehicle or combination of vehicles and any projection exceeds the overall length prescribed in regulation 221 for such vehicle or combination of vehicles.

228. Projections in case of motor cycle, motor tricycle, motor quadrucycle or pedal cycle

No person shall operate on a public road a motorcycle, motor tricycle, motor quadrucycle or pedal cycle if any goods carried thereon, or on any portion or side-car of such cycle, project more than 600 millimetres to the front of the axle centre of the front wheel or more than 900 millimetres to the rear of the axle centre of the rear wheel or more than 450 millimetres on either side of the wheels of such cycle, or more than 300 millimetres to the outside of the wheel of any side-car: Provided that the provisions of this regulation shall not apply in respect of any side mirror or crash bar.

229. Warning in respect of projecting load

(1) No person shall operate a vehicle on a public road if the load on such vehicle projects more than 150 millimetres beyond the side thereof, unless-

(a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly visible at a distance of 150 metres, the extent of such projection is indicated-

(i) by means of either a white retro-reflector or a lamp emitting a white light, fitted at the outer edge of the front of such load; and

(ii) by means of either a red retro-reflector or a lamp emitting a red light, fitted at the outer edge of the rear of such load; and

(b) during any other period, the extent of such projection is indicated by means of flags of red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the front and rear of such projection.

(2) No person shall operate a vehicle on a public road if the load on such vehicle projects more than 300 millimetres beyond the rear thereof, unless-

(a) during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly visible at a distance of 150 metres-

(i) the width of such projection is indicated by means of red retro-reflectors or lamps emitting a red light fitted on the end of such projection: Provided that where the width of any such projection is less than 600 millimetres it shall be sufficient for the purpose of indicating such width to fit one retro-reflector or lamp on the end thereof; and

(ii) the length of such projection is indicated by means of yellow retro-reflectors or lamps emitting a yellow light fitted on both sides of such projection at the end thereof; and

(b) during any other period, the length of such projection is indicated by means of a red flag or red cloth, not less than 300 millimetres by 300 millimetres, suspended by two adjacent corners thereof transversely to the direction in which the vehicle is travelling, from the end of such projection, and the width of such projection is indicated by means of such flags suspended by two adjacent corners thereof parallel to the direction in which the vehicle is travelling, from both sides of such projection at the end thereof: Provided that where the width of such projection is less than 600 millimetres it shall be sufficient for the purposes of indicating such projection to suspend one such flag from the end thereof.

(3) For the purposes of this regulation, the light of any lamp shall comply with the provisions of regulation 158(2).

230. Certain vehicles exempt from provisions of this Part

(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine is exempt from the provisions of this Part, except for the provisions of regulations 224 and 226: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the, public road would not be clearly discernible at a distance of 150 metres;

(b) the overall width of any such vehicle shall not exceed three and a half metres;

(c) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(d) any such vehicle exceeding the overall length prescribed in regulation 221 or the overall width prescribed in regulation 223 shall display two flags of red cloth not less than 600 millimetres by 600 millimetres, in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel; and

(e) no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.

(2) Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for *bona fide* agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, is exempt from the provisions of this Part, except for the provisions of regulation 224: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) where such vehicle-

(i) exceeds the overall length prescribed in regulation 221;

(ii) encroaches beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; or

(iii) is more than two comma six metres but less than three and a half metres wide, two flags of red cloth shall be displayed not less than 600 millimetres by 600 millimetres in such manner as to indicate its abnormal length or width and such flags shall be suspended from the vehicle transversely to the direction of travel, but the vehicle may be fitted with amber flashing lights in lieu of such flags; and

(d) the overall width of any such vehicle shall not exceed four and a half metres:

Provided further that when the overall width exceeds three and a half metres-

(i) such vehicle shall not normally encroach beyond half the width of the roadway except when overtaking other vehicles or crossing bridges; and

(ii) if such vehicle does encroach beyond half the width of the roadway, two escort vehicles with the headlamps switched on and displaying red flags of the size prescribed in paragraph (c) or amber flashing lights shall be provided, one travelling in front and one to the rear of such vehicle;

(e) no such vehicle shall be operated on a freeway.

Part IV

Loads on vehicles

231. Manner in which children to be counted for purposes of regulations

For the purposes of establishing the number of persons that may in terms of these regulations, other than regulation 263, be carried on any vehicle, other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle-

(a) any child under the age of three years shall not be counted;

(b) two children of three years or over but under the age of six years shall be counted as one person; and

(c) three children of six years or over but under the age of 13 years shall be counted as two persons:

Provided that in applying the provisions of this regulation, fractions shall be disregarded.

232. Mass of person and luggage for determining maximum load for homologation and testing purposes

For the purpose of establishing the maximum mass of a person and his or her hand luggage which may be conveyed on a motor vehicle for the purpose of determining the seating capacity of such vehicle to homologate a vehicle -

(a) the mass of a person together with his or her hand luggage shall, be taken as 68 kilograms;

(b) in the case of a motor vehicle which is fitted with-

(i) a luggage compartment, the mass of luggage shall be calculated at the rate of 100 kilograms per cubic metre; or

(ii) a roof rack, the mass of luggage shall be calculated at the rate of 75 kilograms per square metre of area of the roof rack:

Provided that where a motor vehicle is examined for the purpose of obtaining a roadworthy certificate as contemplated in regulation 142, the provisions of this paragraph shall not apply in the determination of the seating capacity of such motor vehicle.

[Reg. 232 substituted by GN R1341/2003]

233. Number of persons that may be carried on motor vehicle in relation to seating capacity

(1) Subject to the provisions of regulation 231, no person shall operate on a public road a motor vehicle, other than a minibus or bus which is used for hire or reward, motor cycle, motor tricycle, motor quadrucycle or pedal cycle -

(a) the number of persons on any seat of such vehicle exceeds the number of persons for whom seating accommodation is provided for on such seat, at

the rate of 380 millimetres per person measured at the widest part of the seat with the doors closed; and

(b) the total number of persons carried on such vehicle, excluding persons carried in the goods compartment of the vehicle, exceeds the number of persons for whom seating accommodation, determined in the manner referred to in paragraph (a), is available in such vehicle: Provided that, one child over the age of three years but under the age of six years may be carried on each transverse seat, in excess of the number of persons for whom seating accommodation is available on such seat, determined in the manner referred to in paragraph (a).

(2) Subject to the provisions of regulation 231, no person shall operate on a public road, a minibus, midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006, if the number of persons on any seat exceeds the number of persons for whom seating accommodation is provided for, on such a seat at a rate of 400 millimetres per person, measured at the widest part of the seat with the doors closed;

[Subreg. (2) substituted by Gen N 1319/2005 and GN R891/2006]

(3) For the purposes of subregulations (1) and (2) a row of seats shall be regarded as one seat.

[Subreg. (3) substituted by GN R1341/2003]

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

[Subreg. (4) amended by GN R1341/2003 and substituted by GN R881/2004]

234. Permissible maximum axle massload of vehicle

(1) No person shall operate on a public road a minibus, bus, tractor or goods vehicle if the permissible maximum axle massload of such vehicle is exceeded.

(2) The permissible maximum axle massload of a vehicle shall be the least of the mass limits determined by-

(a) regulation 238(1) in respect of a vehicle fitted with pneumatic tyres or regulation 238(2) and 243 in respect of a vehicle fitted with tyres other than pneumatic tyres;

(b) regulation 239(1)(a)(ii); and

(c) regulation 240(a), (b) and (c).

235. Permissible maximum axle unit massload of vehicle

(1) No person shall operate on a public road a minibus, bus, tractor or goods vehicle if the permissible maximum axle unit massload of such vehicle is exceeded.

(2) The permissible maximum axle unit massload of a vehicle shall be the least of the mass limits determined by-

(a) regulation 238(1) in respect of a vehicle fitted with pneumatic tyres or regulation 238(2) and 243 in respect of a vehicle fitted with tyres other than pneumatic tyres;

(b) regulation 239(1)(a)(iii); and

(c) regulation 240(d), (e), (f) and (g).

236. Permissible maximum vehicle mass

(1) No person shall operate on a public road a minibus, bus, tractor or goods vehicle if the permissible maximum vehicle mass of such vehicle is exceeded.

(2) The permissible maximum vehicle mass of a vehicle shall be the least of the mass limits determined by-

(a) the sum of all the permissible maximum axle massloads and axle unit massloads of the vehicle as contemplated in regulations 234 and 235;

(b) regulation 239(1)(a)(i);

(c) regulation 239(2);

(d) regulation 239(3); and

(e) regulation 241:

Provided that the permissible maximum vehicle mass of such vehicle shall not exceed 56 000 kilograms.

237. Permissible maximum combination mass

(1) No person shall operate on a public road a combination of vehicles where the drawing vehicle is a minibus, bus, tractor or goods vehicle, if the permissible maximum combination mass of such combination is exceeded.

(2) The permissible maximum combination mass of a combination of vehicles shall be the least of the mass limits determined by-

(a) the sum of all the permissible maximum axle massloads and axle unit massloads of the combination of vehicles as contemplated in regulations 234 and 235;

(b) regulation 239(1)(b);

(c) regulation 239(2);

(d) regulation 239(3); and

(e) regulation 241:

Provided that the permissible maximum combination mass of such combination shall not exceed 56 000 kilograms.

238. Load on tyres

(1) No person shall operate on a public road a motor vehicle-

(a) which is fitted with pneumatic tyres, where any wheel massload is in excess of the wheel massload referred to in the appropriate part of the standard specification SABS 1550 “Motor Vehicle Tyres and Rims: Dimensions and Loads”, Part 1: “General”, Part 2: “Passenger car tyres”, and Part 3: “Commercial vehicle tyres”; or

(b) where any pneumatic tyre is not mentioned in the standard specification referred to in paragraph (a), where the wheel massload is in excess of the wheel massload approved by the manufacturer of the tyre concerned:

Provided that for the purposes of determining the pressure in a tyre the temperature of the tyre shall be disregarded.

(2) No person shall operate on a public road any vehicle fitted with tyres, other than pneumatic tyres, if the wheel massload exceeds eight kilograms per one millimetre width of any such tyre.

239. Gross vehicle mass, gross axle massload, gross axle unit massload, gross combination mass, power to mass ratio and axle massload of driving axle to total mass ratio not to be exceeded

(1) No person shall operate on a public road a minibus, bus, tractor or goods vehicle

(a) if -

(i) the gross vehicle mass;

(ii) any gross axle massload; or

(iii) any gross axle unit massload, is exceeded;

(b) drawing any other motor vehicle if the gross combination mass is exceeded.

(2) No person shall operate on a public road a vehicle which is a minibus, 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 a figure arrived at by multiplying the net power in kilowatts of the engine of such vehicle as determined in accordance with or calculated with due regard to code of practice SABS 013 “The determination of performance (at net power) of internal combustion engines” -

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

(b) in the case of any other vehicle by 240.

(3) No person shall operate on a public road a vehicle which is a minibus, 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.

240. Massload carrying capacity of road

No person shall operate on a public road a motor vehicle or a combination of motor vehicles, the wheels of which are fitted with pneumatic tyres, if-

(a) the wheel massload of wheels

(i) which are fitted to a steering axle, exceeds 3 850 kilograms; or

(ii) which are fitted to axles other than a steering axle, exceeds 4 000 kilograms;

(b) the axle massload of an axle fitted with two or three wheels and

(i) which is a steering axle, exceeds 7 700 kilograms; or

(ii) which is an axle other than a steering axle, exceeds 8 000 kilograms;

(c) the axle massload of an axle fitted with four wheels and -

(i) of which is fitted to a vehicle designed to compact refuse and which is carrying such refuse, exceeds 10 200 kilograms;

(ii) which is fitted to a breakdown vehicle, exceeds 10 200 kilograms;

(iii) which is placed in the rear or middle of a bus-train, exceeds 10 200 kilograms;

(iv) which is fitted to a bus, other than a bus-train, exceeds 10 200 kilograms; or

(v) which is not mentioned in items (i) to (iv), exceeds 9 000 kilograms;

(d) the axle massload of an axle unit which consists of two axles, each of which are fitted with two or three wheels, and

(i) which is a steering axle unit, exceeds 15 400 kilograms; or

(ii) which is an axle unit other than a steering axle unit, exceeds 16 000 kilograms;

(e) the axle massload of an axle unit which consists of two axles, each of which are fitted with four wheels, and

(i) which is fitted to a vehicle, except a trailer, designed to compact refuse and which is carrying such refuse, exceeds 20 400 kilograms;

[Item (i) amended by Gen N 2116/2001]

(ii) which is fitted to a breakdown vehicle, exceeds 20 400 kilograms; or

(iii) which is not mentioned in items (i) and (ii), exceeds 18 000 kilograms;

(f) the axle massload of an axle unit which consists of three or more axles, each of which are fitted with two or three wheels, and

(i) which is a steering axle unit, exceeds 23 100 kilograms; or

(ii) which is an axle unit other than a steering axle unit, exceeds 24 000 kilograms; or

(g) the axle massload of an axle unit which consists of three or more axles, each of which are fitted with four wheels, exceeds 24 000 kilograms.

241. Massload carrying capacity of bridges

(1) No person shall operate on a public road a vehicle or combination of vehicles, the wheels of which are fitted with pneumatic tyres, if the total axle massload of any group of axles of such vehicle or combination of vehicles exceeds the mass in kilograms determined by multiplying the dimension of such group measured as referred to in subregulation (3) by 2 100 and adding 18 000.

(2) A group of axles referred to in subregulation (1) may comprise any series of axles, but shall not consist of one axle unit referred to in regulation 240(d), (e), (f) or (g) alone.

(3) (a) The dimension referred to in subregulation (1) shall be measured in metres and

tenths of a metre from the centre of the first axle of any group of axles to the centre of the. last axle of such group.

(b) If the dimension so measured is not a definite figure in metres and tenths of a metre, the next highest number in tenths of a metre with which the dimension so measured is exceeded shall be used for the calculation referred to in subregulation (1).

(c) Where a group of axles of a combination of vehicles is measured, the vehicles of such combination shall be positioned in line and both sides of such combination of vehicles shall be measured, and if the dimensions of the two sides differ, the longer dimension shall be used for the calculation referred to in subregulation (1).

242. Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres

Notwithstanding the provisions of regulation 240, no person shall operate on a public road a motor vehicle which is fitted with pneumatic tyres if

(a) on any axle with-

(i) two tyres, the wheel massload on one tyre exceeds the wheel massload on the other tyre by more than 10 percent; or

(ii) four tyres, the wheel massload on two tyres nearest to each other exceeds the wheel massload on the other two tyres by more than 10 percent;

(b) in the case of a combination of motorvehicles consisting of a truck-tractor and at least one semi-trailer, the axle mass load of any steering axle or the sum of the axle mass loads of any steering axle unit is less than 11 percent of the sum of all axle mass loads of the truck tractor and the first semi-trailer that is coupled to the truck-tractor, of the said combination of motor vehicles;

[Para. (b) substituted by Gen N 2116/2001]

(c) in the case of a motor vehicle, not being a combination of motor vehicles as referred to in paragraph (b), with a steering axle unit, the sum of the axle mass loads of such steering axle unit is less than 30 percent of the sum of all axle mass loads of such vehicle; or

[Para. (c) substituted by Gen N 2116/2001]

(d) in the case of any other vehicle the axle massload of a steering axle is less than 20 percent of the sum of all axle massloads of such vehicle, except in the case of a tractor when the axle massload of the steering axle shall not be less than 12 percent of the sum of all the axle massloads of such tractor.

243 Axle massload of vehicles fitted with tyres other than pneumatic tyres

No person shall operate on a public road a vehicle fitted-

(a) with metal tyres, if any axle massload of such vehicle exceeds 2 700 kilograms; or

(b) with tyres, other than pneumatic or metal tyres, if any axle massload or the sum of all axle massloads of such vehicle exceeds 50 percent of that permitted for vehicles fitted with pneumatic tyres in terms of regulation 240 or, if the axle massload of any steering axle of such vehicle does not comply with the requirements of paragraphs (b), (c) or (d) of regulation 242.

244. Information to be displayed on certain motor vehicles

No person shall operate on a public road a minibus, bus or goods vehicle which, according to the registration certificate thereof was registered for the first time prior to 1 January 1989 and of which the gross vehicle mass does not exceed 3 500 kilograms, unless there is displayed in a conspicuous position on the left side thereof in letters and figures of not less than 40 millimetres in height and which shall be clearly legible at all times-

(a) the tare of such vehicle in kilograms (denoted as T);

(b) the permissible maximum vehicle mass referred to in regulation 236 in kilograms (denoted as V); and

(c) if the vehicle is used to draw any other vehicle, the permissible maximum drawing vehicle mass which shall be the least of the masses determined in terms of regulation 239(1)(b), (2) or (3) in kilograms (denoted as D/T):

Provided that if such vehicle is fitted with a plate as referred to in regulation 245, the provisions of this regulation shall not be applicable to such motor vehicle.

245. Information plates on certain vehicles

(1) No person shall operate on a public road a minibus, bus or goods vehicle which, according to the registration certificate thereof-

(a) was registered for the first time prior to 1 January 1989 and of which the gross vehicle mass exceeds 3 500 kilograms, or

(b) was registered for the first time on or after 1 January 1989, unless the following particulars in respect of such minibus, bus or a goods vehicle are clearly imprinted or stamped on a metal plate or plates affixed in an accessible place on a door post, under the bonnet or on the dash board of the vehicle concerned or, in the case of a trailer, on the left side thereof in any conspicuous place:

(i) The tare in kilograms (denoted as T);

(ii) the gross vehicle mass in kilograms (denoted as GVM/BVM);

(iii) the gross axle massload or gross axle unit massload of each axle or axle unit in kilograms (denoted as GA/BA and GAU/BAE, respectively);

(iv) in the case of a semi-trailer the gross kingpin massload as specified by the manufacturer (denoted as GKM/BSM);

(v) the gross combination mass in kilograms (denoted as GCM/BKM)

(aa) in the case of a vehicle that is used to draw any other vehicle; and

(bb) in the case of a breakdown vehicle registered for the first time from the date of commencement of this item;

[Item (v) substituted by Gen N 2116/2001]

(vi) where applicable, the net power in kilowatts as determined in accordance with or calculated with due regard to code of practice SABS 013 “The determination of performance (at net power) of internal combustion engines”;

(vii) the permissible maximum vehicle mass referred to in regulation 236 in kilograms (denoted as V): Provided that this item is not applicable in respect of a semi-trailer;

(viii) the permissible maximum axle massload referred to in regulation 234 or axle unit massload referred to in regulation 235 of each axle or axle unit in kilograms (denoted as A and AU/AE, respectively); and

(ix) the permissible maximum drawing vehicle mass referred to in regulation 244(c) (denoted as D/T).

(2) No person shall operate on a public road a tractor unless it is fitted with a metal plate on which is imprinted-

(a) the net power of the engine in kilowatts as determined in terms of code of practice SABS 013 "The determination of performance (at net power) of internal combustion engines", Part 1: "Road vehicle internal combustion engines at sea level", Part 2: "Compression ignition engines and altitude", Part 3: "Agricultural vehicle internal combustion engines at sea level" (denoted as P/D);

(aA) within six months from the date of commencement of this paragraph, the tare in kilograms (denoted as T);

[Para. (aA) inserted by Gen N 2116/2001]

(b) the gross combination mass in kilograms (denoted as GCM/BKM); and

(c) the permissible maximum drawing vehicle mass referred to in regulation 244(c) (denoted as D/T):

Provided that the provisions of this subregulation shall apply-

(i) from 1 January 1993 in respect of a tractor which according to the registration certificate thereof was registered for the first time on or after 1 January 1993; and

(ii) from 1 January 1995 in respect of a tractor which according to the registration certificate thereof was registered for the first time before 1 January 1993.

245A.Certain vehicles to display notice of load

(1) No person shall operate on a public road- -

(a) a bus;

(b) a minibus-

(i) the gross vehicle mass of which exceeds 3 500 kilograms; or

(ii) which is designed or modified for the conveyance of more than 9 persons, including the driver;

[Subpara. (ii) substituted by GN 871/2005 and GN R891/2006]

(c) a minibus , midibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, unless it is conspicuously displayed inside such vehicle in numerals of at least 75 millimetres high, a notice stating the load that may be carried on such vehicle in the terms set out in subregulation (2).

[Para. (c) substituted by GN 871/2005 and GN R891/2006]

(2) The notice shall -

(a) in the case of a bus referred to in subregulation (1) that is permitted to convey persons, including wheelchair users and goods, be worded as follows:

CERTIFIED TO CARRY.....PASSENGERS SEATED AND ....PASSENGERS STANDING.....KG GOODS AND.....WHEELCHAIR USERS. - (the latter only in vehicles with provision for wheelchairs).

(b) in the case of a midibus referred to in subregulation (1) that is operating in terms of an operating licence issued in accordance with the NLTTA and is permitted to convey persons only including wheelchair users, be worded as follows:

CERTIFIED TO CARRY.....PASSENGERS SEATED AND.....PASSENGERS STANDING 0 KG GOODS

AND.....WHEELCHAIR USERS (the latter only in vehicles with provision for wheelchairs).

[Subreg. (2) substituted by GN 871/2005 and GN R891/2006]

(3) The requirements for wheelchairs and anchorage shall comply with SANS 10370 "Road vehicles designed or adapted for use by or transporting persons with disabilities.

[Subreg. (3) inserted by GN R891/2006]

(3) The number of passengers and the mass in kilograms of the goods indicated on the notice shall not exceed the maximum number of passengers and the maximum mass of the goods that may lawfully be carried on the vehicle in terms of Part IV and regulation 263.

[Reg. 245A inserted by Gen N 2116/2001]

246. Manner in which goods to be carried

No person shall operate on a public road a motor vehicle carrying any goods-

(a) in such a manner as to come into contact with the surface of the public road on which the vehicle is being operated but a chain, known as a "static chain", may be carried in contact with the surface of such road;

(b) in such a manner as to obscure the driver's view of traffic to the front or on either side, or his or her view in the rearview mirror or mirrors of traffic to the rear;

(c) which are not

(i) safely contained within the body of such vehicle; or

(ii) securely fastened to such vehicle, and which are not properly protected from being dislodged or spilled from such vehicle;

(d) on the roof thereof, in the case where such vehicle is a motorcar, if the height of such goods measured from the highest point of such roof exceeds one-half of the height of the motor car, measured from ground level: Provided that the provisions of this paragraph shall not be applicable in respect of pedal cycles being transported on the roof of a motor vehicle; or

(e) in any container, which has provision for fastening by means of “twist locks”, unless such container is securely fastened by at least four “twist locks” and the provision of this paragraph are also applicable to empty containers carried on a motor vehicle, but two twist locks may be used to fasten a container which, measured parallel to the length of the vehicle, is at least one comma five metre in length and less than three metres in length.

247. Circumstances under which persons may be carried on goods vehicle

No person shall operate on a public road a goods vehicle conveying persons unless that portion of the vehicle in which such persons are being conveyed is enclosed to a height of

(a) at least 350 millimetres above the surface upon which such person is seated; or

(b) at least 900 millimetres above the surface on which such person is standing, in a manner and with a material of sufficient strength to prevent such person from failing from such vehicle when it is in motion.

[Reg. 247 amended by GN R761/2000]

248. Presumptions

(1) If, in a prosecution for an offence under regulations 234 to 243 inclusive, an allegation is made in the charge sheet or summons in relation to-

(a) the gross vehicle mass;

(b) the gross axle mass;

(c) the gross axle unit massload;

(d) the gross combination mass;

(e) the net power in kilowatts of any bus or goods vehicle;

(f) the permissible maximum vehicle mass referred to in regulation 236;

(g) the permissible maximum combination mass referred to in regulation 237; or

(h) the permissible maximum axle massload or maximum axle unit massload, referred to in regulation 234 or 235 respectively, such allegation shall, in the absence of evidence to the contrary, be presumed to be correct.

(2) The fact that differing results may be obtained on successive attempts at determining the axle massload of an axle which is part of an axle unit shall not, by itself, prove the massload alleged in a prosecution, to be incorrect.

(3) In a prosecution for an alleged offence in terms of regulation 241, any distance in metres alleged on the charge sheet or summons, used to calculate the maximum permissible massload of any group of axles, shall in the absence of evidence to the contrary, be deemed to be correct.

(4) The massloads of all the individual axles of-

(a) an axle unit, may be added to obtain the total massload of such axle unit;

(b) a group of axles, may be added to obtain the total massload of such group of axles;

(c) a vehicle, may be added to obtain the total massload of such vehicle; or

(d) a combination of vehicles, may be added to obtain the total massload of such combination of vehicles.

(5) Notwithstanding anything to the contrary contained in these regulations, where an owner of a motor vehicle has been issued with a motor vehicle licence for that vehicle, such owner shall not be competent, in respect of the year to which such licence is applicable, to prove that the tare of such vehicle is either greater or less than the tare upon which the fees payable for such licence were calculated: Provided that the provisions of this subregulation shall not apply in respect of an owner of a motor vehicle who is prosecuted for and found guilty of a contravention of section 67 of the Act where such contravention relates to the tare referred to in this subregulation.

249. Certain vehicles exempt from provisions of this Part

(1) Except for a breakdown vehicle, any vehicle, which is a drilling machine, a mobile crane, a fork lift, a straddle truck, a road making machine, an earthmoving machine, an excavation machine, a construction machine or a loading machine,

is, except for the provisions of regulations 234 to 245, exempt from the provisions of this Part: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle, and where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass; and

(c) no such vehicle, other than a mobile crane which is operated for the purpose of removing any hazard or obstruction on a freeway, shall be operated on a freeway.

(2) Any vehicle, including a tractor, which is not a goods vehicle and which is used solely for *bona fide* agricultural, horticultural, viticultural or pastoral pursuits and when operated on a public road, is exempt from the provisions of this Part, except for the provisions of regulations 234 to 245 in so far as it relates to the tare, gross vehicle mass and maximum permissible drawing vehicle mass: Provided that-

(a) no such vehicle shall be operated on the roadway of a public road during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road would not be clearly discernible at a distance of 150 metres;

(b) the driver of any such vehicle on the roadway of a public road shall stop such vehicle and, where possible, drive it off the roadway if it be necessary in order to allow other vehicular traffic to pass;

(c) no such vehicle shall be operated on a freeway.

Part V

Provisions relating to passenger carrying vehicles

250. Persons not to be carried in goods compartment for reward

No person shall on a public road carry any person for reward in the goods compartment of a motor vehicle.

251. Sides and roof

(1) No person shall operate, on a public road, a minibus, midibus or bus unless -

(a) the sides of the passenger compartment of a minibus, midibus or bus are enclosed to the height of at least 600 millimetres from the floor with material which is durable and weatherproof;

(b) such minibus, midibus or bus is provided with a weatherproof roof.

(2) No person shall operate a midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA registered for the first time after 5 October 2001 on a public road, unless the height, along the longitudinal centre-line, between the floor and the lowest part of the roof structure of such a midibus or bus, between the floor and the ceiling of the lower deck of a double deck bus, as the case may be, is in the case of a bus conveying standing persons, at least 1,75 metres in the areas where persons may stand in terms of regulation 263; in the case of a minibus not conveying standing persons, at least 1,5 metres; and in the case of a midibus, at least 1,75 metres.

(3) A minibus or midibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA shall not carry standing persons.

[Reg. 251 substituted by Gen N 2116/2001, amended by GN R871/2005 and substituted by GN R891/2006]

252. Entrances, exits and emergency exits of minibuses and buses

(1) (a) A minibus, midibus or bus operating in terms of an operating licence issued in

accordance with the provisions of the NLTTA shall be equipped with at least one passenger entrance leading from the left front side of such vehicle: Provided that: the provisions of this subregulation shall not apply to double deck bus which has a passenger entrance at the rear leading to the passenger compartment

[Para. (a) substituted by GN 871/2005 and GN R891/2006]

implex

(b) A minibus, midibus or bus shall have at least one emergency exit for every 12 persons, on the right or left hand side or the rear thereof: Provided that, a door fitted for the use of the driver of such minibus, midibus or bus which is accessible to passengers, may be deemed to be such emergency exit.

[Para. (b) substituted by GN 871/2005, corrected by Gen N 1318/2005 and substituted by GN R891/2006]

(c) A bus or the lower deck of a double deck bus, shall have an emergency exit -

(i) on both sides in the floor; or

(ii) on both sides towards the front or rear:

Provided that, in the case of a single deck bus an emergency exit may be fitted in the roof of such bus in place of the emergency exits required on both side.

[Para. (c) substituted by GN 871/2005 and GN R891/2006]

(d) The upper deck of a double deck bus shall have emergency exits -

(i) in the rear; or

(ii) on both sides and in the roof, of such upper deck,

(iii) and the number of emergency exits shall be evenly distributed throughout the vehicle.

[Para. (d) substituted by GN 871/2005 and GN R891/2006]

(e) An emergency exit shall have dimensions of at least 800 by 400 millimetres or 700 by 500 millimetres and shall be capable of being opened from the inside and outside and shall not open inwards.

[Para. (e) substituted by GN 871/2005 and GN R891/2006]

(f) An emergency exit shall not be so positioned that the passengers have to pass through a goods compartment of a minibus or bus or via the stairs of a double decker bus to reach such emergency exit.

(g) Escape hatches, knock-out windows or knock-out panels may be used as emergency exits and if a minibus or bus is operated for reward such hatches, windows or panels shall be marked with the words “emergency exit’ and “nooduitgang” on the inside and outside in letters of at least 50 millimetres in height.

(h) A door of the size and operating characteristics referred to in paragraph (e) may be used as an emergency exit.

(i) No entrance for persons, other than the driver, shall be provided on the right hand side of the longitudinal centre-line of a minibus or bus operating for reward.

(2) In the case of a minibus or bus that has been converted from a goods vehicle, the requirements of paragraphs (a), (b), (c), (f), (g) and (h) of subregulation (1) shall be deemed to be satisfied if openings complying with the requirements of paragraph (e) of subregulation (1) are provided.

253. Entrances and exits to be fitted with doors

No person shall operate a minibus, midibus or bus on a public road, unless -

(a) every entrance to or exit from the minbus, midibus or bus is fitted with a door or other effective barrier; and

(b) such door or barrier is properly closed when the minibus midibus, or bus is in motion with persons thereon.

[Reg. 253 amended by GN 871/2005, corrected by Gen N 1318/2005 and substituted by GN R891/2006]

254. Stairs

The stairs to the upper deck of a double-deck bus shall be provided with a hand rail on each side as well as a partition or screen at each side of the stairs of sufficient strength to prevent any person from slipping off the side of any step.

255. Passageways

(1) No person shall operate on a public road -

(a) a minibus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006 unless the passageway of such minibus as an unimpeded longitudinal passageway which is at least -

(i) 300 millimetres wide from floor to seat level; and

(ii) 350 millimetres wide above any armrests.

(2) No person shall operate on a public road a midibus or bus operating in terms of an operating license issued in accordance with the provisions of the NLTTA, first registered after 04 September 2006, unless the passenger compartment of such midibus or bus has an unimpeded longitudinal passageway with a cross passageway, which passageways are at least -

(i) 300 millimetres wide from floor to seat level; and

(ii) 350 millimetres wide above any armrests.

[Reg. 255 substituted by GN 871/2005 and GN R891/2006]

256. Seats

(1) No person shall operate on a public road a minibus, midibus or bus operating in terms of an operating license issued in accordance with the provision of the NLTTA unless the driving seat of such minibus, midibus or bus is adjustable and has a partition immediately behind it and is so placed as to afford the driver ample space for controlling the minibus, midibus or bus.

[Subreg. (1) substituted by GN 871/2005 and GN R891/2006]

(2) Subject to subregulation (3), no person shall operate on a public road a minibus first registered after 04 September 2006, operating in terms of an operating licence issued in accordance with the provision of the NLTTA, unless a seat provided for a passenger in such minibus has -

(a) a backrest of which the -

(i) top shall be at least 350 millimetres from seat level;

(ii) bottom shall be not more than 200 millimetres from seat level; the width, including the frame, shall be at least 340 millimetres, for every passenger for whom seating accommodation is provided on the seat;

(b) a seat height from the floor or footrest of such seat at seat level of at least 250 millimetres, except where a seat is positioned over the wheel arch where no limit shall apply;

(c) a seat depth from the front of the seat to the front of the backrest of at least 340 millimetres;

(d) a seat width in accordance with regulation 233(2);

(e) in the case of a seat facing a partition or similar obstruction, a horizontal distance between the front of the backrest of such seat at seat level to such partition or obstruction of at least 570 millimetres;

(f) in the case where seats face each other, a horizontal distance between the fronts of the backrests of such seats at seat level of at least 1 200 millimetres;

(g) in the case where seats face in the same direction, a horizontal distance between the front of the backrest of any such seat, at seat level, and the back of the backrest of the seat in front, of at least 570 millimetres.

[Subreg. (2) substituted by GN 871/2005, corrected by Gen N 1318/2005 and substituted by GN R891/2006]

(3) Where in subregulation (2) a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.

(4) No seat in a bus shall face an entrance or have a side of such seat opposite an entrance, unless a rail or partition is provided between such seat and entrance: Provided that a rail may be fixed to the seat if the side of, such seat faces an entrance.

(5) Every seat in a minibus, midibus or bus shall be securely fixed to such minibus, midibus or bus.

[Subreg. (5) substituted by GN 871/2005 and GN R891/2006]

(6) Subject to subregulation (3), no person shall operate any minibus, midibus or bus, first registered after 04 September 2006, operating in terms of an operating licence and issued in accordance with the provision of the NLTTA, unless a seat provided for a passenger in such minibus, midibus or bus has -

(a) a backrest of which the -

(i) top shall be at least 600 millimetres from seat level; the width, including the frame, shall be at least 400 millimetres at seat level, and the top may be tapered to a width of more than 250 millimetres; or if the seat design incorporates an integral headrest, top may be tapered to a width of 200 millimetres, for every passenger for whom seating accommodation is provided on the seat;

(b) a seat height from the floor or footrest of such seat to seat level of at least 400 millimetres, except where a seat is positioned over a wheel arch where no such limit shall apply ;

(c) a seat depth from the front of the seat to the front of the backrest of at least 400 millimetres ;

(d) a seat width in accordance with regulation 233(2);

(e) in the case where a seat faces a partition or similar obstruction, a horizontal distance between the front of the backrest of such seat at seat level to such partition or obstruction of at least 600 millimetres ;

(f) in the case where seats face each other , a horizontal distance between the fronts of the backrests of such seats at seat level of at least 1 300 millimetres;

(g) in the case where seats face in the same direction , a horizontal distance between the front of the backrest of any such seat, at seat level, and the back of the seat in front, of at least 600 millimetres;

(h) seats and anchorages that meet the requirements of SANS 1429 “Strength of seats and their anchorages “ or SANS 1564 ‘The strength of seats (and their anchorages) of large passenger buses.

[Subreg. (6) inserted by GN 871/2005, corrected by Gen N 1318/2005 and inserted by GN R891/2006]

(7) No fold-up or jockey seat, shall be permitted in any minibus or midibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA, after 04 September 2006.

[Subreg. (7) inserted by GN 871/2005 and GN R891/2006]

(8) One front seat for a passenger shall be provided in a minibus or midibus operating in terms of an operating licence issued in accordance with the provisions of the NLTTA.

[Subreg. (8) inserted by GN R891/2006]

(9) Where, in subregulation (6), a reference is made to a maximum or minimum dimension, a tolerance of 10 millimetres above any such maximum and below any such minimum shall be permissible.

[Subreg. (9) inserted by GN R891/2006]

257. Goods carried in minibus or bus conveying persons for reward

No person shall carry goods in a minibus or bus conveying persons for reward unless such goods-

(a) are placed in a suitable goods compartment or containers;

(b) are so placed that it does not constitute a danger to such persons; and

(c) does not obstruct any entrance, exit or passageway of such minibus or bus.

258. Windows and windscreens

(1) A minibus or bus operating for reward-

(a) shall have a continuous row of windows on the left and right hand side of the passenger compartment and such windows, other than the windows of entrance and exit doors and the first and the last side window, shall each have a frame, in the case of

(i) a minibus, of not less than 345 millimetres by 450 millimetres; and

(ii) a bus of not less than 450 millimetres by 450 millimetres;

(b) shall have an overall window area of not less than 25 percent of the floor area of the passenger compartment;

(c) shall have windows which can be opened to the same extent so that the total area of the open spaces shall be not less than five percent of the floor area of the passenger compartment, other than in the case of a bus with a system of forced ventilation induced by mechanical means, whether such bus is stationary or in motion; and

(d) may have other windows in addition to those referred to in paragraphs (a), (b) and (c).

(2) At least every alternate window in each side of a minibus or a bus operating for reward, other than a bus having a system of forced ventilation induced by mechanical means, whether such bus is stationary or in motion, shall be capable of being opened.

(3) No window in a bus operating for reward shall be capable of being opened in such a manner that a person seated in a normal position is able to put his or her elbow out of the window.

(4) Every window-pane, windscreen and transparent partition of a minibus or bus operating for reward shall be maintained in a sound, unbroken and clear condition.

259. Fuel receptacles, etc

(1) A minibus or bus operating for reward-

(a) shall have fuel tanks, fuel receptacles and fuel pipes which are free of leaks and which are not placed inside the body or steering cabin; and

(b) shall have the filling orifice of a fuel tank placed outside the body or steering cabin.

(2) No main fuel tank shall be placed close to the engine of a bus operating for reward.

260. Fire extinguishers

(1) Every minibus operating for reward shall carry in a readily accessible position at least one fire extinguisher which shall be of

(a) the dry powder type with a capacity of at least one kilogram; or

(b) the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram, and which shall be in good working order.

(2) Every bus operating for reward shall carry in a readily accessible position at least one fire extinguisher which shall be of-

(a) the dry powder type with a capacity of at least two and a half kilograms; or

(b) the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram,
and which shall be in good working order.

261. Rearview mirrors

In addition to the rearview mirror prescribed for motor vehicles in regulation 204, every bus operating for reward shall be fitted with a rearview mirror which shall enable the driver of the bus, when he or she is in the driving position, to see a reflection of every entrance and exit of the bus.

262. Tilt angle

(1) No person shall operate a double-deck bus on a public road unless such bus is capable of being tilted sideways to an angle of at least 23 degrees in either direction from the upright position without overturning while-

(a) every seat on the upper deck of the bus carries a mass of 68 kilograms;

[Para. (a) amended by GN R1341/2003]

(b) an additional mass of 68 kilograms is placed on the upper deck of the bus to represent a conductor;

[Para. (b) amended by GN R1341/2003]

(c) the goods compartment on the upper deck of the bus, if any, is loaded to capacity;

(d) except for a mass of 68 kilograms on the driving seat, the lower deck of the bus is empty; and

[Para. (d) amended by GN R1341/2003]

(e) the bus is ready for the road, except for an empty fuel tank.

(1A) No person shall operate a minibus, midibus or single deck bus on a public road after 04 September 2006, unless such minibus, midibus or single-deck bus is capable of being tilted sideways at an angle of at least 28 degrees in either direction from the upright position without overturning while each seat is loaded with a mass of 68 kilograms and tested as such.

[Subreg. (1A) inserted as (1) by GN 871/2005, corrected by Gen N 1318/2005 and inserted by GN R891/2006]

(1B) For the purposes of issuing a certification of roadworthiness in respect of a double-deck or single-deck bus, which includes a midibus, an examiner may demand the production of a manufacturer's certificate or other like certificate which certifies that such minibus, midibus or bus complies with the provisions of subregulation (1).

[Subreg. (1B) inserted as (1) by GN 871/2005, corrected by Gen N 1318/2005 and inserted by GN R891/2006]

(2) For the purposes of issuing a certification of roadworthiness in respect of a double-deck bus, an examiner of vehicles may demand the production of a manufacturer's certificate or other like certificate which certifies that such bus complies with the provisions of subregulation (1).

263. Standing persons

(1) No person shall operate on a public road a bus in which a person is standing-

(a) on any upper deck, steps, stairs or open platform;

(b) in the cross passageway referred to in regulation 255; or

(c) in any area of a bus first registered after 04 September 2006 with a ceiling height of less than one comma seven five metres except when entering or leaving such bus;

[Para. (c) substituted by GN 871/2005, corrected by Gen N 1318/2005 and substituted by GN R891/2006]

(2) The maximum number of standing persons which may be carried in a bus shall be calculated in accordance with the formula-

$$\frac{A-B}{C}$$

in which formula-

(a) "A" represents the total clear floor space in square metres of the bus;

(b) "B" represents the total clear floor space in square metres of the areas referred to in subregulation (1); and

(c) "C" represents the figure zero comma one-two-five being the clear floor space in square metres which shall be available for each standing person.

(3) A bus carrying standing, persons shall be equipped with sufficient hand straps, handrails or grab handles for all standing persons.

(4) No person shall on a public road operate a minibus or midibus operated in terms of an operating licence issued in accordance with the NLTTA (Act No.22 of 2000) in which a person is permitted to stand.

[Subreg. (4) substituted by GN 871/2005]

264. Special provisions relating to school buses

Notwithstanding the provisions of regulations 232, 233, 252, and 256, in the case of a school bus registered prior to 1 April 1991

(a) the number of persons permitted on any seat shall be determined at the rate of 330 millimetres per person, measured at the widest part of such seat with the doors closed:

Provided that the provisions of regulation 231 shall not apply;

(b) a seat shall-

(i) have a backrest-

(aa) the top of which shall be at least 300 millimetres from seat level; and

(bb) the bottom of which shall be not more than 75 millimetres from seat level;

(ii) be of a height, from the floor or footrest of such seat to the seat level, of at least 300 millimetres and not more than 460 millimetres;

(iii) have a depth, from the front of the seat to the front of the backrest thereof, of at least 300 millimetres;

(iv) have a width in accordance with the provisions of paragraph (a);

(v) where such seat faces in the same direction as another seat, have a horizontal distance at seat level, between the front of the backrest of such seat and the back of the backrest of the seat in front of the first mentioned seat, of at least 530 millimetres;

(vi) where such seat faces a partition or similar obstruction, have a horizontal distance at seat level, between the front of the backrest of such seat and such partition or obstruction, of at least 530 millimetres; and

(vii) where such seat faces another seat, have a horizontal distance at seat level, between the fronts of the backrests of such seats, of at least one comma zero six metres; and

(c) for the purpose of determining the number of persons who may be carried on such bus, the mass of a person together with his or her personal effects shall be taken as 45 kilograms.

264A. Destination indicators

(1) A bus conveying persons for reward on a fixed route, other than a school bus, may be fitted in the front with a destination indicator on which the destination of, or route to be followed by, such bus shall be clearly indicated.

(2) The destination indicator shall be of an electronic type, or of a manual roller type, which can be scrolled up or down to indicate either the secondary or main destination.

(3) An amber lamp shall illuminate the destination indicator during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavourable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 metres.

[Reg. 264A inserted by Gen N 2116/2001]

265. Classes of motor vehicles in respect of which operator to be registered

(1) An operator shall be registered in respect of a –

(a) goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;

(b) breakdown vehicle; and

(c) motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274: Provided that this provision shall become effective to motor vehicles with a gross vehicle mass of 3 500 kilograms and under, as from 1 December 2001,

registered in the Republic.

[Subreg. (1) substituted by GN R726/2001]

(2) The provisions of subregulation (1) shall not apply to a motor vehicle referred to in subregulation (1) that is-

(a) owned by the Department of Defence;

(b) operated on a public road under the authority of a temporary or special permit, motor trade number, motor dealer's licence or a motor transport licence, as the case may be;

(c) not operated on a public road, and for the purpose of this paragraph the words "operated on a public road" shall not be construed to include the presence of such motor vehicle on a public road for the purpose of-

(i) being driven to the premises of the owner in order to take delivery thereof;

(ii) crossing a public road from one premises of the owner to another, over a distance of not more than one kilometre;

(iii) proceeding to or from a place where repairs are to be or have been effected to such motor vehicle;

(d) a trailer drawn by a tractor;

(e) a motor vehicle referred to in regulation 21(1) or 21(5).

[Para. (e) amended by gN 2116/2001 w.e.f. 1/1/2002]

266. Categories of, and authority conveyed by, operator card

(1) The categories of operator cards and the authority conveyed thereby are:

(a) Category "G", which authorises the operation of a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and a breakdown vehicle, on a public road; and

(b) Category "D", which authorises the operation of a motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274, on a public road.

[Reg. 266 substituted by GN R1341/2003]

267. Manner of registration of operator, issue of operator card and period of validity of operator card

(1) The registering authority concerned shall register the owner of a motor vehicle contemplated in regulation 265 as operator of that vehicle upon application for the licensing of the vehicle concerned.

(2) The registering authority effects the registration of an owner as operator of a motor vehicle by licensing the motor vehicle in the manner prescribed in regulation 25, but -

(a) the motor vehicle licence, licence and roadworthy certificate disc and operator card shall be issued on form LCO as shown in Schedule 2;

(b) the owner shall, upon receipt of form LCO, destroy any previous operator cards held by him or her with respect to the motor vehicle concerned.

(3) If the registering authority is required to submit the particulars of an operator to the chief executive officer as contemplated in section 45(2) of the Act, such registering authority may, subject to the provisions of regulation 269, issue the operator with a temporary operator card as contemplated in section 45(3) of the Act on form LCTO as shown in Schedule 2, in the case where the operator is not already in possession of an operator card with respect to the motor vehicle concerned.

(4) Upon receipt of the particulars of the operator as contemplated in section 45(2) of the Act, the chief executive officer shall-

(a) examine the record of the operator referred to in section 50(3) of the Act;

(b) determine whether his or her operator card is suspended.

(5) If the record of the operator indicates that such operator does not comply with the provisions of the Act, the chief executive officer shall notify the operator in terms of section 50(3)(d) of the Act.

(6) (a) The registering authority shall upon receipt of the notification contemplated in section 45(4)(a) of the Act, issue him or her with an operator card on form LCO as shown in Schedule 2.

(b) The operator shall destroy any other previous operator card or temporary operator card issued in respect of the vehicle concerned upon receipt of the operator card.

(c) The counterfoil of the operator card shall be kept at the business address of the operator.

implex

(7) An operator card issued in respect of a motor vehicle shall be valid from the date of issue thereof, until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22, but the motor vehicle may be operated on a public road for a period of 21 days after the said expiry date.

268. Application for and issue of duplicate operator card

Application for a duplicate operator card can be made upon application for licensing of the vehicle concerned as contemplated in regulation 24.

269. Conditions under which temporary operator card issued

A temporary operator card shall be-

(a) deemed to be an operator card for the period referred to in paragraph (b);

(b) valid for a period of three months from the date of issue, or up and until the decision of the chief executive officer is made known to the operator in terms of regulation 267(5), or up and until the operator is issued with an operator card in terms of regulation 267(6), whichever date is the earliest;

(c) re-issued only by the registering authority that issued such card: Provided that in the event of the decision of the chief executive officer in relation to the operator card of an operator not yet being available, a new temporary operator card shall be issued free of charge; and

(d) if it was not destroyed upon receipt of the operator card, surrendered to the registering authority concerned with the counterfoil thereof within 21 days after an operator card for the motor vehicle concerned was received by the operator.

270. Change of particulars

(1) The registering authority shall, upon receipt of a notice in terms of section 49(a) of the Act update the register of operators accordingly.

(2) If a new operator card is required, such card may be issued subject to subregulation (3), upon payment of the fee determined by the MEC of the province concerned.

(3) If a new operator card is required due to the change of address of the operator or to the change of the allocated licence number of the motor vehicles or motor vehicle of an operator under regulation 29, such card may be issued upon payment of the fee as determined by the MEC of the province concerned.

271. Procedure in case of suspension

(1) If the chief executive officer suspends an operator card in terms of section 50 of the Act,
he or she shall-

(a) use form OP6 as shown in Schedule 2, to notify the operator concerned;

(b) notify the registering authority referred to in regulation 267(1), and

(c) require a traffic officer or an inspector of licences to locate and inspect the motor vehicle concerned to ensure that the operator card has been destroyed.

(2) The operator shall, upon receipt of a notice of suspension in terms of section 50 of the Act, immediately destroy the operator card and return the counterfoil of such card within seven days to the registering authority referred to in subregulation (1).

(3) The registering authority shall after receipt of the counterfoil referred to in subregulation (2), keep such counterfoil in the manner and for the period as determined by the chief executive officer.

272. Manner in which operator card to be displayed on motor vehicle

An operator card shall be displayed-

(a) if the motor vehicle is fitted with a transparent windscreen in front, by affixing such operator card in an upright position on the inside of the windscreen in such a manner that the print on the face of the operator card is clearly legible from the outside to a person standing in front or to the left front of such motor vehicle; or

(b) if the motor vehicle is not fitted with a transparent windscreen in front, by affixing such operator card-

(i) in a conspicuous position on the left side of the vehicle in such a manner that the print on the face of such operator card is clearly legible from that side; and

(ii) if such operator card is exposed to the weather, on the inside of the transparent front of a durable watertight holder, for protection.

273. Definitions

For the purposes of this Chapter-

"competent authority" means the competent authority listed in supplement 1 of the code of practice SABS 0229 "Packaging of dangerous goods for road and rail transportation in South Africa";

"consignor" means the person who offers dangerous goods for transport in a vehicle referred to in regulation 274(1), and includes the manufacturer or his or her agent, duly appointed as such;

"consignee" means the person who accepts dangerous goods which have been transported in a vehicle referred to in regulation 274(1);

"dangerous goods inspector" means a person appointed as such under section 55 of the Act;

"emergency action response system" means a system designed to enable emergency crews arriving on the scene of an incident to determine, from coded placarding on the vehicle, or failing that, from the Tremcard or dangerous goods declaration, the identity of the cargo carried, the nature of the hazard presented and the emergency action to be taken to neutralize the danger, and is as prescribed in code of practice SABS 0232-1 "Transportation of dangerous goods - Emergency information systems", Part 1: "Emergency information system for road transportation" and code of practice SABS 0232-3 'Transportation of dangerous goods -Emergency information systems", Part 3: "Emergency action codes";

"exempt quantities" means those quantities that are exempt in accordance with code of practice SABS 02321 'Transportation of Dangerous Goods - Emergency information systems";

"incident" means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage of dangerous goods or risk thereof;

"multiload" means more than one type or hazard class of dangerous goods or substances carried together;

"premises" means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle;

"qualified person" means a person trained to perform any specific task, nominated by the operator, consignor or consignee under regulation 277; and

"Tremcard" means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

(Date of coming into operation of Reg. 273: 3 August 2001)

273A. Incorporation of standards

Standard specifications SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" and SABS 1518 "Transportation of dangerous goods - design requirements for road tankers", and codes of practice SABS 0228 "The identification and classification of dangerous substances and goods", SABS 0229 "Packaging of dangerous goods for road and rail transportation in South Africa", SABS 0230 "Transportation of dangerous goods -Inspection requirements for road vehicles", SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles", SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: "Emergency information system for road transportation", SABS 0232-3 "Transportation of dangerous goods -Emergency information systems", Part 3: "Emergency action codes" and SABS 0233 "Intermediate bulk containers for dangerous substances" is incorporated into these regulations by notice published by the Minister in the *Gazette*;

(Date of coming into operation of Reg. 273A: 3 August 2001)

274. Application

(1) Subject to subregulation (2), this Chapter applies to all vehicles registered in the Republic, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which dangerous goods are transported, and to such dangerous goods.

(2) These regulations do not apply in respect of dangerous goods which are transported in quantities which do not exceed the exempt quantities.

(Date of coming into operation of Reg. 274: 3 August 2001)

274A. Other legislation applicable

If a provision in this Chapter is in conflict with a provision of the Explosives Act, 1956 (Act No.26 of 1956), the Nuclear Energy Act, 1993 (Act No. 131 of 1993), the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), the Mines and Works Act, 1956 (Act No. 27 of 1956), the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), the Hazardous Substances Act, 1973 (Act No. 15 of 1973), or the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947), the latter provision shall take precedence.

(Date of coming into operation of Reg. 274A: 3 August 2001)

275. Transportation of dangerous goods prohibited

No person shall operate on a public road any vehicle in or on which dangerous goods is transported, unless such dangerous goods is transported in accordance with this Chapter: Provided that-

(a) dangerous goods which is required under this Chapter to be transported in a vehicle in respect of which standard specification SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” or SABS 1518 “Transportation of dangerous goods - design requirements for road tankers”, apply-

(i) may be transported in such a vehicle; and

(ii) shall be so transported in accordance with the said appropriate standard specification if the vehicle in which the said dangerous goods is being transported was registered for the first time on and after 1 October 2001 ; and

(b) vehicles carrying dangerous goods in respect of which a placard is required to be fitted to such vehicle, may be fitted with, but shall after 1 October 2001 be fitted, with the appropriate placards prescribed in code of practice SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: "Emergency information system for road transportation".

(Date of coming into operation of Reg. 275: 3 August 2001)

276. Exemptions

(1) The Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the *Gazette*, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of this Chapter, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.

[Reg. 276 renumbered to 276(1) by GN R1341/2003]

(2) The dangerous goods listed in code of practice SABS 0232-1 "Transportation of Dangerous Goods - Emergency information systems" are exempt from the provisions of these Regulations with regard to quantity or in its entirety, or the quantities of a multiload as determined by the factor, as indicated in that Code of Practice, and for the purpose of the Act, one litre of a substance, is equal to one kilogram of a substance.

[Subreg. (2) inserted by GN R1341/2003]

(Date of coming into operation of Reg. 276: 3 August 2001)

277. Duties of operator, driver, consignor and consignee

(1) The operator, driver, consignor and consignee shall, subject to any provision to the contrary contained in this Chapter, comply with the requirements with respect to the transportation of dangerous goods in or on a vehicle on a public road, as determined in the standard specifications and codes of practice referred to in regulation 273A.

(2) The operator, consignor or consignee, as the case may be, shall nominate a qualified person in the circumstances and with respect to the tasks pertaining to the transportation of dangerous goods, as determined in the standard specifications and codes of practice referred to in regulation 273A.

(3) Subject to the provisions of subregulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.

(Date of coming into operation of Reg. 277: 3 August 2001)

278. Dangerous goods to be compatible

The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: "Emergency information system for road transportation".

(Date of coming into operation of Reg. 278: 3 August 2001)

279. Authority for classification and certification of dangerous goods

(1) If there is any doubt as to the appropriate classification of dangerous goods, such
dangerous goods shall be classified by an approved classification authority in accordance with code of practice SABS 0228 "The identification and classification of dangerous substances and goods".

(2) Dangerous goods shall be presented by the consignor for transportation packed in packaging that has been approved by an approved test station and by the approved certification authority and marked in the manner contemplated in code of practice SABS 0233 "Intermediate bulk containers for dangerous substances" and code of practice SABS 0229 "Packaging of dangerous goods for road and rail transportation in South Africa".

(Date of coming into operation of Reg. 279: 3 August 2001)

280. Driver to undergo training

(1) An operator shall ensure that, after a date to be determined by the Minister by notice in the *Gazette*, the drivers of the vehicles of which he or she is the operator that has to obtain a professional driving permit as referred to in regulation 115(1)(f), undergo training at an approved training body to comply with regulation 117(e).

(2) Each approved training body shall submit a syllabus for the training of the drivers referred to in subregulation (1) to the Shareholders Committee for approval, and

resubmit such syllabus for approval, within 90 days after relevant legislation or SABS specifications, influencing the training material, have been amended.

(3) The syllabus for the training of drivers shall contain at least-

(a) the interpretation and implementation of the instructions on a Tremcard;

(b) general duties of the driver before proceeding on a route concerning, specifically, but not limited to, the condition of the vehicle, the documents to be kept in the vehicle, instructions regarding the route to be taken, warning signs and warning devices to be displayed or stored in the vehicle, the correct type and number of fire extinguishers to be fitted to the vehicle and protective clothing to be used;

(c) general behaviour expected of the driver on the route, amongst other things, planning of stops for deliveries or checking of the tyres and vehicle, and procedure to be followed in the event of stops, periods of driving allowed, action to be taken in the event of an incident occurring;

(d) general procedure to be followed by the driver on reaching his or her destination; and

(e) general procedure to be followed when loading or offloading dangerous goods.

(4) A training body referred to in subregulation (2) shall issue drivers with a certificate for the successful completion of training for purposes of regulation 117(e).

(5) An operator shall ensure that a driver undergo theoretical and practical training at an approved training body for the specific class of dangerous goods that he or she shall be responsible for transporting.

[Reg. 280 substituted by GN R1341/2003]

(Date of coming into operation of Reg. 280: 3 August 2001)

281. Documents to be held by driver

(1) The driver of a vehicle referred to in regulation 274(1) shall ensure that such Tremcards and dangerous goods declarations as are required in terms of this Chapter, and which pertain to the dangerous goods carried on such vehicle are

held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.

(2) The driver of a vehicle referred to in regulation 274(1) shall produce on demand-

(a) a professional driving permit, if applicable; and

(b) .....

[Para. (b) deleted by GN R1341/2003]

(c) the documents referred to in subregulation (1),

whenever he or she is operating a vehicle referred to in regulation 274(1).

(Date of coming into operation of Reg. 281: 3 August 2001)

282. Dangerous goods inspectors

(1) A dangerous goods inspector shall be appointed by the Minister.

(2) The minimum requirements for appointment as a dangerous goods inspector shall be that the applicant-

(a) has obtained a qualification as determined by the Minister;

(b) is, in the opinion of the Minister, a fit and proper person; and

(c) has undergone training in relation to the laws, policy and operational requirements applicable to the transportation of dangerous goods.

(3) A certificate of appointment shall be issued to a dangerous goods inspector appointed under subsection (1), and that inspector shall carry the certificate with him or her in the course of his or her duties.

[Reg. 282 substituted by GN R1341/2003]

(Date of coming into operation of Reg. 282: 3 August 2001)

283. Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors

(1) The dangerous goods inspectorate shall-

(a) evaluate consignors, consignees and operators to determine their compliance with the provisions of the Act and the standard specifications;

(b) conduct investigations into the procedures followed by a person or body of persons in relation to the requirements for the transportation of dangerous goods;

(c) keep a data base of:

(i) every incident that must be reported in terms of SABS 0231 "Transportation of dangerous goods – Operational requirements for road vehicles";

(ii) dangerous goods regulated under these Regulations and exempt quantities thereof;

(iii) routes frequently used for the transportation of dangerous goods;

(iv) operators transporting dangerous goods; and

(v) offences and infringements related to the transportation of dangerous goods;

(d) advise the Minister on matters related to the transportation of dangerous goods;

(e) assist traffic officers in the execution of their powers and duties in respect of the transportation of dangerous goods; and

(f) keep abreast with international developments concerning the transportation of dangerous goods.

(2) A dangerous goods inspector employed by the dangerous goods inspectorate may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act-

(a) inspect or search the vehicle or premises, or examine, or extract, take and remove samples of, or direct an approved authority to examine, extract or remove, any substance found in or upon such premises, or any packaging, receptacles, unit loads, bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used, or destined or intended for use, for, in or in connection with the transport of dangerous goods, or for, or in connection with any other operation or activity with or in connection with the transport of dangerous goods, or open or direct an approved authority to open any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such dangerous goods;

(b) detain a vehicle which is on reasonable grounds suspected of not complying with these regulations, for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation;

(c) demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;

(d) demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;

(e) weigh, count, measure, mark or seal, or direct an approved authority to weigh, count, measure, mark or seal, any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects or lock, secure, seal or close any door or opening giving access to it;

(f) examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects;

(g) demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge such book, statement or document, an explanation of any entry therein;

(h) inspect any operation or process carried out in or upon the vehicle or premises in connection with any activity referred to in paragraph (a);

(i) demand any information regarding the operation or process referred to in paragraph (viii) from the operator or person in charge of the vehicle or premises or from any person carrying out or in charge of the carrying out of such operation or process; and

(j) seize any substance, book, statement or document or other packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of this Act.

(3) If a dangerous goods inspector intends to exercise or perform any power, duty or function under these regulations in the presence of any persons affected thereby, he or she shall, on demand, produce the appointment certificate issued to him or her under regulation 282.

(4) Notwithstanding the provisions of this regulation, a dangerous goods inspector or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless-

(a) the operator was duly notified;

(b) such unloading, decanting or opening of packages is authorised by the local authority concerned; and

(c) a qualified person supervises the unloading, decanting or opening of packages;

(5) If the dangerous goods inspectorate finds after an investigation in terms of these Regulations, that an operator has committed an offence in terms of these Regulations or does not comply with these Regulations, it must request the MEC concerned to act in terms of section 50 of the Act, providing reasons for the request.

[Reg. 283 substituted by GN R1341/2003]

(Date of coming into operation of Reg. 283: 3 August 2001)

283A.Powers, duties and functions of traffic officers in relation to dangerous goods

(1) A traffic officer may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act-

(a) demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;

(b) demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;

(c) determine the quantity or volume of any dangerous goods;

(d) examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects.

(2) Notwithstanding the provisions of this regulation, a traffic officer or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless-

(a) the operator was duly notified;

(b) such unloading, decanting or opening of packages is authorised by the local authority concerned;

(c) a qualified person supervises the unloading, decanting or opening of packages; and

(d) the dangerous goods inspectorate is notified.

[Reg. 283A inserted by GN R1341/2003]

283B. Presumption regarding the transportation of dangerous goods and the quantity of such goods

Where in any prosecution for an alleged contravention of any provision in this Act, it is alleged that dangerous goods, as listed in SABS 0228: The identification and classification of dangerous substances, were transported and that such goods were in excess of the exempt quantity, as stipulated in "SABS 0232-1: Transportation of dangerous goods - Emergency information system", -

(a) any document or a copy or extract out of any document, purporting to have been issued by the consignor of such goods or operator of such vehicle, stating the nature of goods and the quantity thereof; or

(b) any extract from the packaging of any goods transported, identifying or marking, such goods as dangerous goods, and any UN number reflected on such packaging,

shall be presumed, in absence of evidence to the contrary, to be *prima facie* proof that such goods were dangerous goods and the quantity of such goods was in excess of the exempt quantity.

[Reg. 283B inserted by GN R1341/2003]

Part I
Road traffic signs

284. Definitions

For the purpose of this Part

"abnormal vehicle" means any vehicle which is operated under a written exemption granted in terms of section 81 of the Act and any motor vehicle accompanying such abnormal vehicle as a condition for operation;

"agricultural vehicle" means a vehicle designed or adapted solely for agricultural activities and includes a tractor but does not include a goods vehicle;

"authorised vehicle" means any motor vehicle identified by means of -

(a) a number plate;

(b) an authorised symbol or name on the vehicle; or

(c) an authorised disc affixed to the inside of the windscreen of the vehicle, and whose identification is thereby compatible with that displayed on the appropriate road sign;

"construction vehicle" means a vehicle used in connection with road construction and road maintenance;

"delivery vehicle" means a goods vehicle, motor cycle, motor tricycle or motor quadrucycle, in the process of loading or unloading goods;

"disabled persons vehicle" means a motor vehicle conveying a person with a physical disability;

"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 Service Act, 1995 (Act No. 68 of 1995), in the execution of his or her duties, and a vehicle driven by a person engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977)

"hawker" means a person who sells or trades goods;

"high occupancy vehicle" means a motor vehicle in which the number of occupants equals or exceeds the number indicated on an appropriate road traffic sign;

"minibus" means a bus which is designed or adapted solely for the conveyance of not more than 35 persons, excluding the driver;

"mini-circle" means a type of small traffic circle, entry to which is controlled by sign R2.2;

"painted island" means an island marked on the road surface that serves as a channelizing device within a junction or in a public road;

"rickshaw" means a vehicle with two wheels designed to be pulled by a person;

"selective restriction sign" means a regulatory sign which comprises of a two part message which is such that the lower message modifies or qualifies the significance of the upper message;

"taxi" means a motor car, motor tricycle or motor quadrucycle which is designed or adapted for the conveyance of up to nine persons, including the driver, and is operated for reward;

"tour bus" means a minibus, midibus or a bus which is operated by or leased to a tour operator and which is solely or principally used to convey tourists,

"traffic circle" means a junction which contains a traffic or painted island, around which a road user travels in a clockwise direction, and **"roundabout"** shall have the same meaning;

"tram" means a device that operates on rails within a public road;

"variable message sign" means a road sign which is capable of varying its message by manual or remote control to display a different message to the message last displayed and the road sign may be light reflecting or light emitting; and

"zig-zag-zone" means that section of roadway delineated by a zig-zag-zone line marking RM11.

285. Purpose, classification and types of road traffic signs

(1) A road traffic sign shall have one of the following purposes:

(a) Regulatory, that is a road traffic sign which directs a road user to take or not to take a specific action;

(b) warning, that is a road traffic sign calling attention to conditions on a public road which are dangerous or potentially dangerous to road users; or

(c) guidance or information, that is a road traffic sign indicating a destination, direction, distance, amenity, facility, place of interest, tourist attraction or location, or any combination of these, or a road traffic sign which imparts general information or advice to road users.

(2) Road traffic signs shall be divided into the following classes:

(a) Class 1: Road signs-

(i) regulatory signs-

(aa) control signs;

(bb) command signs;

(cc) prohibition signs;

(dd) reservation signs;

(ee) comprehensive signs;

(ff) exclusive secondary signs; and

(gg) derestriction signs;

(ii) warning signs

(aa) advance warning signs

(aaa) road layout signs;

(bbb) direction of movement signs; and

(ccc) symbolic signs;

(bb) hazard marker warning signs; and

(iii) guidance signs

(aa) location signs;

(bb) route marker signs;

(cc) direction signs;

(dd) freeway direction signs;

(ee) tourism direction signs;

(ff) diagrammatic signs;

(gg) local direction signs;

(hh) pedestrian signs; and

(ii) toll direction signs;

(iv) information signs;

(b) Class II: Road markings-

(i) regulatory markings-

(aa) transverse regulatory markings; and

(bb) longitudinal regulatory markings;

(ii) warning markings; and

(iii) guidance markings; and

(c) Class III: Road signals-

(i) regulatory signals-

(aa) traffic signals

(aaa) vehicular light signals;

(bbb) pedestrian light signals; and

(ccc) pedal cycle light signals;

(bb) red flashing signal:

(cc) overhead lane direction control signals; and

(dd) other regulatory signals; and

(ii) warning signals

(aa) warning flashing signals; and

(bb) warning flag signals.

(2A) The road traffic signs which fall under the classes referred to in subregulation (2) are contained in Schedule 1 and shall have the significance ascribed to it in that Schedule.

(3) A regulatory, warning, guidance or information sign for which a temporary sign number is allocated may be used in the temporary sign colours as prescribed by regulation 286A(1)(b): Provided that this provision shall not apply to any control regulatory sign, location guidance sign or tourism direction guidance sign.

(4) (a) When no specific symbol is available for the regulatory or warning message required, a word message may be used on the background of a regulatory or warning sign of standard shape, size and colour, and the letters used shall be black semi-matt on a white or yellow background or white on a blue background.

(b) The lettering shall substantially conform to one of the standard letter styles detailed in the Southern African Development Community Road Traffic Signs Manual and shall be of a maximum size permitted by the space available and the message to be displayed, but shall not be less than 70 millimetres in height.

286. Dimensions for manufacture of road traffic signs

(1) (a) The minimum external dimensions in millimetres of regulatory and warning signs are given in relation to the speed limit in kilometres per hour pertaining to the section of public road on which the signs are erected: Provided that a tolerance of five percent below such minimum dimension shall be permissible.

(b) The minimum dimensions and speed referred to in subregulation (1) shall, subject to paragraph (c) be

(i) for circular regulatory signs as shown in the table below:

implex

	SIGN TYPE				
Speed limit		0-60	61 -80	81 -100	101 -120
Diameter	General	600	900	1 200	1200
	Overhead	900	1 200	1 200	1 600
	Parking and Stopping	450	900	1 200	1 200

Provided that

(aa) a stop sign shall be the same size as a circular sign except for a sign used by a scholar patrol which may be a minimum of 450 millimetres in diameter;

(bb) a sign for pedestrians and cyclists may be a minimum of 300 millimetres in diameter; or

(cc) a keep left sign used on the vertical face of a bollard may be a minimum of 300 millimetres in diameter;

(ii) for triangular regulatory and warning signs as shown in the table below:

Speed limit	0-60	61 -80	81 -100	101 -120
Side length	900	1 200	1 200	1500

(iii) for rectangular regulatory signs as shown in the table below:

	SIGN TYPE				
Speed limit		0-60	61 -80	81 -100	101 -120
Height x width	General	600 x 450	900 x 675	1200 x 900	1200 x 900
	Overhead	900 x 675	1200 x 900	1200 x 900	1600 x 1200
	Parking and Stopping	445 x 338	900 x 675	1200 x 900	1200 x 900
	Bus and minibus stop	450 x 225	600 x 300	800 x 400	900 x 450

Provided that a one way roadway sign shall be of a minimum height of 450 millimetres and a minimum width of 600 millimetres.

(c) The following signs shall be of the minimum dimensions as follows:

(i) Sign R1.3 and R1.4 shall be of the same size as one side of stop sign R1;

(ii) the lower part of sign R2.1 shall be as shown in the table below:

Speed limit	0-60	61-80	81-100	101-120
Height x width	300 x 225	450 x 338	600 x 450	750 x 563

(iii) sign R5 shall be of a minimum side length of 450 millimetres;

(iv) an exclusive secondary message sign shall be of the same length as the diameter or width of the upper sign in such sign combination;

(v) signs W401, W402 and W415 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61-80	81-100	101-120
Height x width	600 x 150	600 x 150	800 x 200	800 x 200

(vi) signs W403 and W404 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61-80	81-100	101-120
Diagonal	1 015	1 200	1 200	1200

(vii) signs W405 to W410 and W414 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61-80	81-100	101-120
Height	450	450	600	600

Provided that sign W414 shall have a minimum height of 600 millimetre and a width of 1 600 millimetres, irrespective of the speed limit, when used in conjunction with sign GA4.

(viii) sign TW411 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61 -80	81 -100	101 -120
Height x width	200 x 1 200	300 x 1 800	400 x 2 400	400 x 2 400

(ix) sign TW412 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61 -80	81 -100
Height x width	450 x 900	600 x 1 200	600 x 1 200

(x) sign W413 shall be of the minimum dimensions as shown in the table below:

Speed limit	0-60	61 -80	81 -100	101 -120
Height x width	600 x 350	600 x 350	800 x 466	800 x 466

(2) (a) The minimum width of a longitudinal road marking shall be 100 millimetres:

Provided that a tolerance of 10 percent below such minimum dimension shall be permissible.

(b) The minimum length of a continuous longitudinal road marking shall be nine metres on a public road in an urban area and 12 metres on any other public road: Provided that this provision shall not apply to such marking used to mark the edge of a painted island.

(c) The minimum width of a transverse road marking shall be-

(i) for road marking RTM1 in an urban area, 300 millimetres and in any other area 500 millimetres;

(ii) for road marking RTM2 in an urban area, 200 millimetres and in any other area 300 millimetres;

(iii) for road marking RTM4, 2 400 millimetres;

(iv) for road marking GM5, 300 millimetres, and

(v) for any other transverse road marking, 100 millimetres.

(3) The minimum diameter of any disc light signal of a traffic signal shall be 210 millimetres:

Provided that a tolerance of 10 percent below such dimension shall be permissible.

(4) The specific dimensions of a road traffic sign and of the letter styles and symbols used on such sign shall be substantially in conformity with the requirements laid down in the Southern African Development Community Road Traffic Signs Manual - Volume 4.

286A. Colours for manufacture of road traffic signs

(1) (a) The colours of a road traffic sign shall be as indicated in Schedule 1.

(b) Where a temporary version of a road sign is provided for, by means of a temporary number allocated to such sign, the colour of such sign shall be altered so that-

(i) a white symbol, letter or border becomes black semi-matt and any super-imposed black symbol becomes white retro-reflective;

(ii) the yellow symbol on signs R302 and R303 and any yellow letters, numerals or punctuation marks become black semi-matt, or

(iii) a white, blue or green background becomes yellow retro-reflective: Provided that:

(aa) a red border or other area stays red except that-

(aaa) the border of a temporary diagrammatic sign or high visibility sign becomes black semi-matt; or

(bbb) the red areas on signs W401, W402 and W405 to W410 become
black semi-matt;

(bb) the superimposed coloured portions of symbols on signs R126, R232, R316, R321, R322, R316-P, R321-P, R322-P, W301, W302 and W303 stay as they are; and

(cc) any other yellow symbol stays yellow but is surrounded by a thin black semi-matt border.

(c) Where only a temporary version of a road sign is provided for it shall conform to the temporary colours referred to in paragraph (b).

(2) Where a road traffic sign is required to be of any specific colour or colours, such colours shall be in conformity with the following specifications published by the South African Bureau of Standards:

(a) For red, orange, yellow, green, blue, purple, white and brown retro-reflective material and for red, orange, yellow, green, blue, purple, white, grey, black and brown paint, the coefficient of retro-reflection, the colour, luminance factor and specular gloss, as the case may be, prior to weathering, of the standard specification SABS 1519 “Road signs”, and the words “coefficient of retro-reflection, colour, luminance factor, specular gloss and weathering”, shall bear the same meaning as assigned thereto by such specification;

(b) for yellow, white, black and red road marking material and golden yellow paint, standard specification SABS 1091 national colour standards for paint;

(c) for red, yellow, clear and green road studs, standard specification SABS 1442 “Road studs”; and

(d) for red, yellow and green illuminated traffic signals, standard specification SABS 1459 “Traffic Lights”.

(3) If a road traffic sign is displayed with a colour which differs in shade from the colour specified in subregulation (2), the validity of such sign shall, in the absence of evidence of prejudice, not be affected thereby.

(4) The reverse side of a road sign, other than a road sign with an aluminium background, shall be grey, except that, irrespective of the material of manufacture, the reverse side of a stop sign shall be white semi-matt.

(5) Subject to the provisions of this Part, the colour of the standard or post specifically erected for the display of a road sign shall, where the standard or post is-

(a) of steel, be grey: Provided that if the steel has. been treated this requirement shall not apply;

(b) of wood, be the colour of the wood as treated or painted grey or brown; and

(c) of concrete, be the natural colour of the concrete, and in the case of a road signal the standard, post or cantilever shall be golden yellow, portions of which may be retro-reflective; Provided that this provision shall not be applicable to an overhead traffic signal mounted on a gantry.

[Para. (c) substituted by GN R1341/2003]

(6) Light reflecting variable message road signs shall conform to the dimensional and colour requirements in this regulation.

(7) (a) Light emitting variable message road signs may be used to display a regulatory,
warning, guidance or information message.

(b) Any light emitting variable message road sign which conveys a regulatory or warning message shall display the message-

(i) in the same shape as the equivalent standard sign;

(ii) with an illuminated red or white border as the case may be; and

(iii) with an illuminated message in white letters, numbers or symbols on a semi-matt black background.

(c) A combination of a standard road sign and a variable message road sign may be used.

(8) Retro-reflective material referred to in subregulation (2)(a) shall bear a permanent mark to identify the class and the manufacturer of such material.

287. Manner of display of road signs and road signals

(1) Subject to the provisions of this Part, a road sign or a road signal shall-

(a) be displayed on a public road where its significance is applicable, to face oncoming traffic;

(b) be placed in a position and at a height which is the most advantageous with regard to the design, alignment and other features of the public road concerned; and

(c) be displayed substantially in conformity with:

(i) the Southern African Development Community Road Traffic Signs Manual Volume One and Four; and

(ii) the South African Road Traffic Signs Manual Volume Two and Three.

[Para. (c) substituted by GN R881/2004]

(2) A temporary road sign shall only be used for a temporary condition.

(3) Where an association or club is authorised to display a road traffic sign as referred to in section 57(6) of the Act, no badge or other token on any such road traffic sign shall be outside the outline of such road traffic sign: Provided that in any case where this is not possible, it shall be in the immediate proximity to the junction of the road traffic sign with the standard or post and contained in an area not exceeding 10 percent of the area of the face of such sign: Provided further that in all other cases the badge or token may be placed where space is available on the road traffic sign, preferably in a corner, but the nearest edge of the badge or token shall not be more than 100 millimetres from the edge of the road traffic sign.

(4) If a road sign or road signal is mounted over a portion of the roadway, the minimum clearance between the underside of the sign or signal and the road surface shall be five comma two metres, except for signs R204, W415 and W320.

(5) In the case where two road traffic signs are in conflict with one another -

(a) a temporary road traffic sign shall take precedence over any other sign;

(b) subject to paragraph (a), a control regulatory sign and a traffic signal shall have precedence over any other sign; and

(c) a bus, midibus or minibus stop sign shall take precedence over a parking or stopping sign including a no parking and no stopping sign.

(6) (a) A road traffic sign may be used in combination with another road traffic sign on

the same post to-

(i) selectively restrict the application of the road traffic sign by displaying a two part message where the lower message modifies the significance of the upper message;

(ii) improve the comprehensibility of the sign by means of a warning sign or supplementary information plate; and

(iii) improve the conspicuity of the road traffic sign as contemplated in subregulation (9).

(b) The combinations referred to in paragraph (a) shall not comprise of combinations of permanent and temporary signs.

(c) A regulatory or warning sign may be used in combination with a guidance sign.

(7) Examples of sign combinations are shown in the Annexure to Schedule 1.

(8) A road traffic sign may be supplemented to improve the comprehensibility of such sign by-

(a) in the case of a regulatory sign or signal or warning sign, the addition below the sign of an information or supplementary plate; and

(b) the inclusion of a regulatory or warning sign within a guidance sign.

(9) (a) The conspicuity of a road traffic sign may be improved by-

(i) displaying such sign on a high visibility background;

implex

(ii) displaying such sign in combination with one or more yellow flashing signals; or

(iii) internal or external illumination.

(b) The colours of a high visibility background shall be-

(i) for a permanent sign, white retro-reflective for the background and red retro-reflective for the border; or

(ii) for a temporary sign, yellow retro-reflective for the background and black semi-matt for the border.

(10) When a continuous longitudinal road marking is used in combination with road studs, small breaks in the continuity of the road marking may occur to accommodate such road studs.

287A.Manner of display of traffic signal

(1) (a) A traffic signal shall-

(i) comprise of light signals arranged vertically so that the topmost signal is red, the central signal is yellow and the lower signal is green: Provided that-

(aa) the topmost signal may include more than one red light signal arranged horizontally;

(bb) the central light signal may include more than one yellow light signal arranged horizontally;

(cc) the lower light signal may include more than one green light signal arranged vertically or horizontally;

(dd) a special supplementary traffic signal S10L and S10R may be used with only a yellow and a green arrow;

(ee) a pedestrian traffic signal S11 shall comprise two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green;

(ff) a special traffic signal S12 may comprise of two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green; and

(gg) a pedal cyclist traffic signal S12 shall comprise two light signals arranged vertically and the upper light signal shall be red and the lower light signal shall be green;

(ii) have a basic sequence which shall be red, green, yellow and red and the cycle time shall be such as may be required by the movement of traffic; and

(iii) be so designed that the traffic signal head prevents, as far as possible, any traffic signal from being seen from a direction to which its light signals do not apply.

(b) At a signalised junction, signalised slipway or a signalised pedestrian or pedal cyclist crossing, the following traffic signal faces shall be provided for the control of vehicular traffic for each direction from which vehicular traffic may approach the junction, slipway or crossing:

(i) at least two traffic signal faces that contain red light signals shall be provided on the far side of the stop line RTM1 at locations -

(aa) that are not on the near side of a junction or slipway;

(bb) that are not less than six metres from the stop line RTM1;

(cc) such that the two traffic signal faces shall not be less than three metres and not more than 20 metres apart: Provided that where it is unavoidable that the traffic signals are more than 20 metres apart, additional principal traffic signals shall be provided in such a manner that no traffic signals are more than 20 metres apart; and

(dd) at a signalised junction, but not a pedestrian or pedal cyclist crossing, where a straight-through movement is permitted from an approach to the junction, and where the roadway continues straight through the junction, a traffic signal face for

the control of straight-through movements shall be provided, subject to the requirements of subparagraphs (aa) to (cc), on either side of the roadway on the far side of the junction: Provided that when the roadway is divided at the junction by a constructed median island of adequate width to accommodate a signal, the right-hand traffic signal face shall be situated on the median island.

(ii) At a signalised junction or slipway, but not a pedestrian or pedal cyclist crossing, at least one traffic signal face containing a red light signal shall be provided on the near side of the junction or slipway, on the left- or right-hand side of the roadway at a position not further than three metres from the prolongation of the stop line RTM1.

(iii) When a separate left- or right-turn signal is required, at least two traffic signal faces that incorporate a flashing green arrow light signal, flashing green bus light signal or a flashing green tram light signal, shall be provided, one on the far side of the stop line RTM1 subject to subparagraphs (i) (aa) and (bb), and the other on the far or near side;

(iv) A traffic signal which could, prior to the commencement of this subregulation, validly be displayed in terms of the Act, may, notwithstanding the provision of this regulation be displayed on a public road until 31 December 2010.

(c) Additional traffic signal faces may be provided at the junction or crossing at any suitable location, even if the minimum requirements of paragraph (b) have been met.

(d) A slipway for traffic turning left or right at a junction which is traffic signal controlled, shall be separated from the lane to the right or left of such slipway by a constructed island.

(e) When a separate right hand turn light signal is required, at least two traffic signals that incorporate a green arrow light signal shall be provided on two separate supports subject to the requirement of paragraph (c) and at least one of such traffic signals shall be a S8 traffic signal.

(f) A background screen shall be provided for each vehicular signal face, and such background screen shall comply with standard specifications SABS 1459-1988 “Traffic lights”: Provided that traffic signals that could, prior to the commencement of this regulation, be displayed without a background screen may, notwithstanding the provision of this regulation be displayed on a public road until 31 December 2010.

(g) A background screen may be provided for pedestrian and pedal cyclist signal faces and such screens shall comply with standard specifications SABS 1459-1988 “Traffic lights”.

(h) Where it is necessary to increase the conspicuity of a traffic signal, the border of the background screen provided for a signal face may be retro-reflective.

(i) A Traffic Signal Arrow Sign (ST1 to ST5) may be displayed vertically above a traffic signal face to indicate that any light signal installed in the signal face only applies to the direction of movement indicated by the arrow sign.

(2) The traffic control at a junction or pedestrian or pedal cyclist crossing may include the use of road signs, road markings and road signals and the control precedence shall be as follows:

(a) A road sign which prohibits or prescribes directional movement of traffic at a junction or pedestrian or pedal cyclist crossing which is controlled by a traffic signal, shall have precedence over any light signal which permits right of way.

(b) A light signal that permits right of way shall have precedence over the stop line RTM1.

(c) A light signal that has the significance that traffic shall stop, has precedence over any other road traffic sign or another light signal that permits right of way, except when such other light signal has a higher precedence level. The precedence levels for light signals are as follows, given from the highest to lowest precedence level:

(i) steady or flashing pedestrian and pedal cyclist light signals;

(ii) steady or flashing bus or tram light signals;

(iii) steady or flashing arrow signals, or steady disc signals with traffic signal arrow signs ST1 to ST5; and

(iv) steady disc light signals.

(3) No road sign except -

(a) a street name sign;

(b) a direction route marker sign;

(c) information signs IN14 and IN15 and pedestrian and pedal cyclist signs relating to the function of the traffic signal

(d) a one-way roadway sign;

(e) a no-entry sign;

(f) a left-turn prohibited, right-turn prohibited or a U-turn prohibited sign;

(g) a proceed straight through only, proceed left only, or proceed right only sign;

(h) a pedestrian prohibited sign R218; or

(i) a traffic signal arrow sign ST1 to ST5;

shall be used in conjunction with a traffic signal, and such signs may be mounted on the same post or overhead cantilever or gantry as that of the traffic signal.

(4) When no light signal is illuminated on an approach to a signalised junction, the driver of a vehicle shall act as for a 3-way stop sign R1.3 or a 4-way stop sign R1.4

(5) A traffic signal may be placed in a mode of operation indicating that it is out of order, and this mode of operation shall be that either all the light signals shall not be illuminated, or that all vehicular red light signals shall be flashing and pedestrian and pedal cyclist light signals shall be switched off.

(6) A flashing red left arrow light signal shall not be used in conjunction with a green man light signal at a junction, provided that the flashing red left arrow light signal shall not be displayed after 31 December 2010.

(7) Every flashing light signal shall operate at a cycle frequency of between one and two flashes per second.

(8) (a) A flashing red signal shall comprise a red disc light signal.

(b) When red flashing signals are used at a railway crossing two light signals shall-

(i) be mounted below stop sign R1 and above railway line hazard marker W403 or W404, as applicable;

(ii) be illuminated in an alternating flashing mode only when a train is approaching; and

(iii) be situated on the near side of the railway crossing, on the left side of each approach roadway.

(9) Overhead lane direction control signals shall-

(a) comprise light signals, S16, S17, S18 and S19 mounted side by side with S16 on the right of S17 and S18 or S19 in advance of S16 and S17 as viewed by a driver, above each lane subjected to reversed flow traffic movement and for both directions of movement: Provided that, if the light signal is a matrix of light sources signals 16 and 17 may comprise one unit for each lane and for both directions of movement in that lane;

(b) conform to the requirements of SABS 1459 “Traffic Lights”;

(c) be so mounted that the centre of the light signals is not more than six comma two metres above the roadway and the lower edge not less than five comma two metres above the roadway; and

(d) not be displayed over a lane to indicate the permitted direction of traffic movement except when such lane is subject to reversed flow in the direction of traffic movement.

(10) A flag shall be 600 millimetres by 600 millimetres and shall be red or orange.

(11) (a) A responsible registered professional engineer or registered professional technologist (engineering) of the road authority concerned shall approve every traffic signal installation at a signalised junction or pedestrian or pedal cyclist crossing, and sign a declaration containing the following:

(i) scaled drawing of the layout of the junction or crossing, indicating lane markings and road layout;

(ii) number, type and location of traffic signal faces;

(iii) number, type and location of pedestrian and pedal cyclist facilities, including pedestrian push buttons;

(iv) phasing, time plans and offset settings;

(v) date of implementation; and

(vi) name, signature and registration number of the engineer or technologist (engineering) who approved the signal, and date of signature.

(b) The declaration shall be kept by the road authority in control of the traffic signal concerned.

(12) A sliplane for traffic turning left at an intersection which is traffic signal controlled, shall be separated from the lane to the right of such sliplane by a constructed island.

[Reg. 287A substituted by GN R1341/2003]

288. Signs regulating parking, stopping and hawkers

(1) A regulatory sign relating to the parking of a vehicle and the prohibition of hawkers shall be displayed at each end and on that side of a portion of the public road where the significance of such sign is applicable: Provided that-

(a) no junction shall be included in any such section of public road;

(b) any other regulatory road traffic sign may be displayed within any such section of public road in which event such regulatory road traffic sign shall prevail over any sign relating to the parking of a vehicle;

(c) in respect of any section of a public road which lies between the nearest intersecting public roads and which does not exceed 75 metres in length, parking or hawking may be prohibited or restricted in such section by displaying only one appropriate sign; and

(d) where the significance of such sign is to apply to any portion of a public road other than the side of such public road-

(i) such sign may be displayed on that portion of such public road to which its significance is to apply or on any traffic island or other raised area surrounded by the roadway of such public road, adjacent to such portion;

(ii) in the case of a parking prohibited sign, its significance shall apply to any parking bay demarcated at a distance of not more than 500 millimetres from such sign and if that bay is one of several demarcated parking bays adjoining one another, to all such adjoining parking bays within a distance of 75 metres from such sign and for the purposes of this paragraph parking bays demarcated within two and a half metres of each other shall be deemed to be adjoining parking bays.

(2) A regulatory sign prohibiting or restricting the stopping of a vehicle, shall be displayed at each end and on that side of the section of a public road where the significance thereof is to be applicable: Provided that-

(a) no junction shall be included in any such section of public road;

(b) in respect of any section of public road which lies between the nearest intersecting public roads and which does not exceed 75 metres in length, stopping may be prohibited or restricted in such section by displaying only one appropriate sign.

(3) A regulatory sign relating to the parking, stopping of a vehicle or the prohibition of hawkers, shall, unless it is displayed with the face parallel to the lateral line of the public road, display a similar sign on the reverse side.

289. Authority to enter premises contrary to regulatory sign

Where a regulatory sign applies which reserves a public road or portion of a public road for a specific category of vehicle, the driver of a vehicle, other than the driver of a vehicle of the class referred to by such sign, may only cross such public road, or the portion of such public road, if-

(a) he or she cannot otherwise enter or leave any premises adjacent to such road or portion of public road; and

(b) it is safe to do so.

290. Prohibition on advertising material on road traffic sign or road traffic sign used in advertisement

(1) No person shall display or allow to be displayed any advertising material on or attached to a road traffic sign, except-

(a) that a single advertisement may be displayed on each side of a street name sign GL1 or a suburb name sign GL2 in combination with such signs;

(b) where the manufacturer of such sign displays his or her name at the back of that sign; or

(c) in the circumstances referred to in section 57(6) of the Act: Provided that it shall be displayed substantially in conformity with the Southern African Development Community Road Traffic Signs Manual.

(2) No person shall use or portray a road traffic sign in an advertisement where such advertisement is visible for a road user while travelling on a public road.

291. Transitional provision

(1) A road traffic sign which could, prior to the commencement of this Part, validly be displayed in terms of the Act, may, notwithstanding the provisions of this Part be displayed on a public road until 31 December 2000.

(2) A road traffic sign contemplated in subregulation (1) has the same meaning assigned to a corresponding road traffic sign in Schedule 1: Provided that a stop sign R1 which could have been displayed prior to the commencement of this Part shall, when it is displayed as a 3-way or 4-way stop sign, have the same significance as stop signs R1.3 and R1.4, respectively, as in Schedule 1.

Part II

Speed limits

292. General speed limits

A general speed limit of-

(a) 60 kilometres per hour shall apply in respect of every public road or section thereof, situated within an urban area;

(b) 100 kilometres per hour shall apply in respect of every public road or section thereof, other than a freeway, situated outside an urban area; and

(c) 120 kilometres per hour shall apply in respect of every freeway.

293. Speed limit for particular class of vehicle

(1) In terms of section 59(3) of the Act, a speed limit of-

(a) 80 kilometres per hour shall, subject to the proviso to the said section, apply in respect to-

(i) a goods vehicle the gross vehicle mass of which exceeds 9 000 kilograms;

(ii) a combination of motor vehicles consisting of a goods vehicle, being the drawing vehicle, and one or two trailers of which the sum of the gross vehicle mass of the goods vehicle and of the trailer or trailers exceeds 9 000 kilograms;

(iii) an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 9 000 kilograms; or

(iv) any breakdown vehicle that is towing another vehicle;

(b) 100 kilometres per hour shall, subject to the proviso to the said section, apply in respect of -

(i) a bus; and

(ii) a minibus or a midibus operating in terms of an operating licence;

[Para. (b) amended by GN R881/2004 and substituted by GN 871/2005 and GN R891/2006]

(2) (a) There may be displayed on the rear of a goods vehicle contemplated in subregulation (1) (a), a sign denoting that such goods vehicle is subject to a speed limit of 80 kilometres per hour, and such sign shall comply with the requirements of standard specification SABS 1329 “Retro-reflective and Fluorescent Warning Signs for Road Vehicles”, Part 3: “Signs other than triangles, chevron signs and abnormal load vehicle signs” with respect to the colours displayed on such sign.

(b) There shall be displayed on the rear of a motor vehicle referred to in subregulation (1)(b) a sign denoting that such vehicle is subject to a speed limit of 100 kilometres per hour, and such sign shall comply with the requirements of the standard specification referred to in paragraph (a) with respect to the colours displayed on such sign.

[Reg. 293 substituted by GN R1341/2003]

294. Speed limit in relation to tyres

Notwithstanding the provisions of regulations 292 and 293, no person shall operate on a public road a motor vehicle which is fitted with pneumatic tyres, at a speed in excess of the speed referred to in the standard specification SABS 1550 “Motor Vehicle Tyres and Rims: Dimensions and Loads”, Part 1: “General”, Part 2: “Passenger car tyres”, Part 3: “Commercial vehicle tyres”, or as approved by the manufacturer of the tyre concerned.

295. Speed limit in relation to braking capability

(1) No person shall operate on a public road a tractor or trailer referred to in regulation 154(2) at a speed in excess of 35 kilometres per hour.

(2) A motor vehicle referred to in subregulation (1) may be fitted with a sign denoting that such vehicle is subject to a speed restriction of 35 kilometres per hour, which sign shall comply with the requirements of standard specification SABS 1329 “Retro-reflective and fluorescent warning signs for road vehicles”, Part 3: “Signs other than triangles, chevron signs and abnormal load vehicle signs” with respect to the colours displayed on such sign.

Part I

Rules of the road

296. Vehicle to be driven on left side of roadway

(1) Any person driving a vehicle on a public road shall do so by driving on the left side of the roadway and, where such roadway is of sufficient width, in such manner as not to encroach on that half of the roadway to his or her right: Provided that such encroachment shall be permissible-

(a) where it can be done without obstructing or endangering other traffic or property which is or may be on such half and for a period and distance not longer than is necessary and prudent and provided that it is not prohibited by a road traffic sign; or

(b) in compliance with a direction of a traffic officer or a road traffic sign.

(2) The provisions of subregulation (1) shall not apply in the case of a public road which is restricted to traffic moving thereon in one direction only.

296A. Dedicated public transport vehicle or high occupancy vehicle lanes

(1) No person shall drive a motor vehicle on a dedicated lane, other than the class of vehicles referred to by such sign, between the hours of 06h00 to 09h00 and 16h00 to 18h30 Monday to Friday, except weekends and public holidays. Provided that the driver of a vehicle, other than the driver of a vehicle of the class referred to by such sign, may only enter such dedicated lane, if -

(a) he or she cannot enter or leave any premises adjacent to such dedicated lane;

(b) he or she cannot enter or leave any public road without encroaching unto such dedicated lane;

(c) he or she intend turning at the next intersection, on-ramp, off-ramp; and

(d) in compliance with a direction of a traffic officer or a road traffic sign.

(2) the provision of subregulation (1) shall not apply in case of emergencies, to the driver of a fire-fighting vehicle, a fire-fighting response vehicle, an emergency medical response vehicle, a rescue vehicle or an ambulance, a vehicle which is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 76 of 1977) or a traffic officer who drives such vehicle in execution of his or her duties.

[Reg. 296A inserted by GN 964/2006]

297. Driving on divided public road

(1) Whenever any public road has been divided into two or more roadways by means of an intervening space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, no person shall drive a vehicle upon such public road except upon the left-hand roadway, unless directed or permitted by an appropriate road traffic sign or a traffic officer to use another roadway.

(2) No person shall drive a vehicle on, over, across or within any dividing space, barrier or section referred to in subregulation (1), except through a constructed intersection: Provided that no person shall so drive through such constructed intersection where such driving is prohibited by an appropriate road traffic sign or by a traffic officer: Provided further that the provisions of this subregulation shall not apply to a traffic officer in the performance of his or her duties.

[Subreg. (2) substituted by gN 2116/2001]

298. Passing of vehicle

(1) Subject to the provisions of subregulation (2) and (4) and regulation 296, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again drive on the left side of the roadway until safely clear of the vehicle so passed: Provided that, in the circumstances as aforesaid, passing on the left of such vehicle shall be permissible if the person driving the passing

vehicle can do so with safety to himself or herself and other traffic or property which is or may be on such road and-

(a) the vehicle being passed is turning to its right or the driver thereof has signalled his or her intention of turning to his or her right;

(b) such road is a public road in an urban area and-

(i) is restricted to vehicles moving in one direction; and

(ii) the roadway is of sufficient width for two or more lines of moving vehicles;

(c) such road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;

(d) the roadway of such road is restricted to vehicles moving in one direction and is divided into traffic lanes by appropriate road traffic signs; or

(e) he or she is driving in compliance with the directions of a traffic officer or is driving in traffic which is under the general direction of such officer, and in accordance with such direction:

Provided further that in no event shall any passing referred to in paragraph (a), (b), (c) or (d) be done by driving on the shoulders of the roadway or on the verge of the public road concerned.

(2) The driver of a vehicle shall not pass other traffic proceeding in the same direction on a public road when approaching-

(a) the summit of a rise;

(b) a curve; or

(c) any other place, where his or her view is so restricted that any such passing could create a hazard in relation to other traffic which might approach from the opposite direction, unless-

(i) he or she can do so without encroaching on the right-hand side of the roadway; or

(ii) the roadway of such road is restricted to vehicles moving in one direction.

(3) The driver of a vehicle on a public road shall, except in the circumstances referred to in the first proviso to subregulation (1), upon becoming aware of other traffic proceeding in the same direction and wishing to pass his or her vehicle, cause his or her vehicle to travel as near to the left edge of the roadway as is possible, without endangering himself or herself or other traffic or property on the roadway, and shall not accelerate the speed of his or her vehicle until the other vehicle has passed.

(4) When about to pass oncoming traffic, the driver of a vehicle on a public road shall ensure that the vehicle driven by him or her does not encroach on the roadway to his or her right in such manner as may obstruct or endanger such oncoming traffic.

(5) The driver of a vehicle intending to pass a stationary bus on a public road shall do so with due care for the safety of persons who are approaching or leaving or may approach or leave such bus.

298A. Prohibition on driving on shoulder of public road, except in certain circumstances

(1) Subject to subregulation (2) and regulation 298(1)(e), no person shall drive a motor vehicle on the shoulder of a public road.

(2) Notwithstanding subregulation (1), the driver of a motor vehicle may, during the period between sunrise and sunset, drive such motor vehicle on the shoulder of a public road which is designated for one lane of traffic in each direction-

(a) while such motor vehicle is being overtaken by another vehicle; and

(b) if he or she can do so without endangering himself or herself, other traffic, pedestrians or property on such public road;

(c) if persons and vehicles upon a public road are clearly discernible at a distance of at least 150 metres.

299. Crossing or entering public road or traffic lane

(1) The driver of a vehicle shall not cross a public road unless the road is clear of moving traffic for a sufficient distance to allow him or her to cross the road without obstructing or endangering any such traffic.

(2) The driver of a vehicle shall not enter a public road unless he or she can do so with safety to himself or herself and other traffic.

(3) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he or she can do so without obstructing or endangering other traffic.

300. Driving signals

The driver of a vehicle on a public road who intends to stop such vehicle or suddenly reduce the speed thereof, or to turn such vehicle to the left or to the right, or to move such vehicle to the left or right on the roadway, shall give a conspicuous signal, in the manner prescribed in regulations 324 to 328, of his or her intention, visible to any person approaching him or her from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his or her intention.

301. Right of way at certain road junctions

The driver of a vehicle on a public road shall, when he or she intends entering any portion of a public road which constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within such junction, yield the right of way to all vehicular traffic approaching from his or her right within such junction, unless his or her entry into such junction is controlled by an instruction given by a traffic officer or a direction conveyed by a road traffic sign requiring him or her to act differently.

302. Procedure when turning

(1) The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to the provisions of regulation 301, before reaching the point at which he or she intends to turn, indicate, in the manner prescribed in these regulations, his or her intention to turn and shall steer his vehicle as near to the left side of the roadway on which he or she is travelling as circumstances may permit and shall make such turn with due care and merge into such traffic stream

as may at the time be proceeding along, towards or into the public road into which he desires to turn.

(2) The driver of a vehicle on a public road who desires to turn to the right shall, having due regard to the provisions of regulation 301, before reaching the point at which he or she intends to turn, indicate in the manner prescribed in these regulations, his or her intention to turn and shall not effect such turning unless he or she can do so without obstructing or endangering other traffic and-

(a) if he or she is driving a vehicle on the roadway of a public road which roadway is intended for traffic in both directions-

(i) he or she shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he or she is travelling; and

(ii) where the turn is at an intersection, he or she shall not encroach on the right half of the roadway into or out of which he or she intends to turn, except in the intersection itself, but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by any appropriate road traffic sign; or

(b) if he or she is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in only one direction-

(i) he or she shall steer such vehicle as near as circumstances permit to the right side of such roadway; and

(ii) where the turn is at an intersection he or she shall not encroach on the right half of the roadway into which he or she intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by an appropriate road traffic sign: Provided that where such turn is to be made into a roadway intended for traffic in only one direction, he or she may encroach on the right half of that roadway.

303. Towing of vehicles

No person may operate any vehicle on a public road while towing or drawing another vehicle save in the manner prescribed in these regulations for the towing or drawing of any vehicle by another vehicle on a public road.

304. Stopping of vehicles

Except in order to avoid an accident, or in compliance with a road traffic sign or with a direction given by a traffic officer, or for any cause beyond the control of the driver, no person shall stop a vehicle on the roadway of a public road-

(a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;

(b) within any tunnel or subway or on any bridge or within six metres of any tunnel, subway or bridge;

(c) on, or within six metres from the beginning or end of, any part of such roadway where the normal width thereof has for any reason been constricted;

(d) in contravention of any road traffic sign;

(e) on the right-hand side of such roadway facing oncoming traffic;

(f) alongside or opposite any other vehicle on such roadway where such roadway is less than nine metres wide;

(g) within the railway reserve at a level crossing;

(h) within nine metres of his or her approaching side of a pedestrian crossing demarcated by appropriate road traffic signs; or

(i) in any other place where the stopping of a vehicle would or would be likely to constitute a danger or an obstruction to other traffic.

305. Parking of vehicles

(1) No person shall park a vehicle on a public road-

(a) in contravention of any road traffic sign;

(b) in any place referred to in regulation 304;

(c) on the same side as a fire hydrant within an area bounded by the centre-line of the roadway and lines at right angles to such centre-line one and a half metres on either side of the hydrant, if such hydrant is clearly visible to and recognizable as such by drivers of moving vehicles, or if it is indicated by an appropriate road traffic sign;

(d) in any place where the vehicle would obscure any road traffic sign;

(e) in such manner as to encroach upon the sidewalk, if any; or

(f) in such manner as to obstruct any private or public vehicular entrance to such road.

(2) The provisions of subregulation (1)(e) shall not apply to any vehicle, other than a motor vehicle, while it is being used in carrying on the business of street vendor, pedlar or hawker, unless it exceeds such maximum weight, height, length or mass as may be prescribed in these regulations.

(3) No person shall park a vehicle on any portion of the roadway (excluding the shoulders) of a public road outside an urban area or with any part of such vehicle within one metre of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.

(4) No person shall park a vehicle on the roadway of a public road within an urban area-

(a) within nine metres of the side from which he or she approaches a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;

(b) within five metres of any intersection unless such parking is permitted by a road traffic sign;

(c) upon or over the actuating mechanism of a traffic signal;

(d) (i) with the outside of any left-hand wheel thereof more than 450 millimetres

within the roadway; or

(ii) where the. public road concerned is restricted to vehicles moving in one direction and the vehicle is parked on the side of the roadway, with the outside of any right hand wheel thereof more than 450 millimetres within the roadway, unless such parking is permitted by an appropriate road traffic sign; or

(e) which is less than five and a half metres wide unless the public road concerned is restricted to vehicles moving in one direction and such parking is permitted by appropriate road traffic signs.

(5) No person shall park a motor vehicle on a traffic island or in a pedestrian mall or pedestrian lane.

(6) Whenever a vehicle has been parked in contravention of any provision of the Act or any by-law made under the Act, or in contravention of or in disregard of the directions of any road traffic sign or notice board as prescribed in these regulations, such vehicle may be removed or caused to be removed and impounded by a traffic officer, and unless the vehicle has been so parked in the course of a theft thereof, the owner shall bear the costs of such removal and impoundment.

306. Certain vehicles may be stopped and parked at any place where necessary

(1) Notwithstanding the provisions of regulations 304 and 305, the driver of a fire-fighting vehicle, a fire-fighting response vehicle, an emergency medical response vehicle, a rescue vehicle or an ambulance who drives such vehicle in the execution of his or her duties, a traffic officer who drives a vehicle in the execution of his or her duties, a person who drives a vehicle while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977), or a person who drives a vehicle while it is used in connection with the construction or maintenance of a public road or the rendering of an essential public service, may stop or park the vehicle concerned at any place where it may be necessary to do so: Provided that the vehicle is stopped or parked in such a manner that it does not constitute an unnecessary danger or confusion to other road users.

[Subreg. (1) substituted by GN R1341/2003]

(2) A vehicle stopped or parked in terms of subregulation (1) shall, while such vehicle is so stopped or parked, display the identification lamps prescribed in regulation 176.

307. Compulsory stops

The driver of a vehicle on a public road shall stop such vehicle-

(a) in compliance with any direction conveyed by a road traffic sign or given by a traffic officer in uniform; or

(b) at the request or on the signal of a person leading or driving any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich on such road.

308. General duties of driver or passenger of vehicle on public road

(1) No person driving or having a vehicle on a public road shall-

(a) cause such vehicle to travel backwards unless it can be done in safety, or cause it to run backwards for a distance or time longer than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on such road, or

(b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of such other vehicle and the traffic on and the condition of the roadway, or more closely than is prescribed in these regulations;

(c) permit any person, animal or object to occupy any position in or on such vehicle which may prevent the driver thereof from exercising complete control over the movements of the vehicle or signalling his or her intention of stopping, slowing down or changing direction;

(d) when driving such vehicle, permit any person to take hold of or interfere with the steering or operating mechanism of the vehicle;

(e) when driving such vehicle, occupy such position that he or she does not have complete control over the vehicle or does not have a full view of the roadway and the traffic ahead of such vehicle.

(f) allow such vehicle to remain unattended on such road without setting its brake or adopting such other method as will effectively prevent the vehicle from moving from the position in which it is left;,

(g) if such vehicle is parked or is stationary at the side of such road, drive the vehicle from that position unless he or she is able to do so without interfering with moving traffic approaching from any direction and with safety to himself or herself and others;

(h) fail to give an immediate and absolute right of way to a vehicle sounding a device or bell or displaying an identification lamp in terms of section 58(3) or 60 or regulation 176;

[Para. (h) substituted by GN R1341/2003]

(i) allow any portion of his or her body to protrude beyond such vehicle while it is in motion on such road except for the purpose of giving any hand signal which he or she is required or authorised to give in terms of these regulations or unless he or she is engaged in examining or testing or parking such vehicle;

(j) permit any person or animal to occupy the roof, any step or running board or any other place on top of a vehicle while such vehicle is in motion;

(k) cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or ran in an efficient manner;

(l) cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;

(m) negligently or willfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or grease or other flammable or offensive matter, ashes or other refuse, of whatever nature, from such vehicle upon or alongside such road, or

(n) cause or, allow the engine thereof to run while petrol or other flammable fuel is being delivered into the fuel tank of such vehicle, or cause or allow such engine to be started up before the delivery of the petrol or other flammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced.

(2) No person, other than the driver, shall take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling such vehicle.

(3) No passenger in a vehicle on a public road shall permit any part of his or her body to protrude beyond such vehicle.

(4) No person shall enter or alight from any vehicle on a public road unless such vehicle is stationary and unless he or she can do so with safety to himself or, herself and other users of the road.

(5) No person shall drive, pull or push a vehicle upon a sidewalk: Provided that the provisions of this subregulation shall not apply to a perambulator, invalid chair, baby cart or child's play vehicle.

308A. Prohibition on use of communication device while driving

(1) No person shall drive a vehicle on a public road-

(a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;

(b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.

(2) .....

[Subreg. (2) deleted by GN R1341/2003]

(3) (a) The word "headgear" includes for the purpose of this regulation a device which is

specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and

(b) the phrases "cellular or mobile telephone or any other communication device" and "cellular or mobile telephone or other communication device, excludes land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.

[Para. (b) substituted by GN R941/2000]

[Subreg. (3) substituted by GN R761/2000]

309. Duties relating to motor cycle, motor tricycle or motor quadrucycle

(1) No person shall drive a motor cycle, motor tricycle or motor quadrucycle on a public road unless his or her feet are resting on the front foot-rests suitable for the purpose and, where the design of such motor cycle, motor tricycle or motor quadrucycle makes it possible to do so, he or she is seated astride on the saddle of such motor cycle, motor tricycle or motor quadrucycle.

(2) No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity exceeding 50 cubic centimetres and unless such passenger is seated in a side-car or astride on a pillion attached to such cycle and, in such latter event, the feet of the passenger are resting on foot-rests suitable for that purpose.

(3) Subject to the provisions of subregulation (2), not more than two persons shall ride upon a motor cycle on a public road, excluding a person riding in a side-car attached to such motor cycle.

(4) Not more than two adult persons shall be carried in a side-car attached to a motor cycle on a public road.

(5) No person or animal or object shall be carried on a motor cycle, motor tricycle or motor quadrucycle on a public road in front of the driver thereof: Provided that an object of a non-bulky nature may be so carried if securely attached to the motor cycle, motor tricycle or motor quadrucycle or placed in a suitable carrier fitted

thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his or her exercising complete control over such motor cycle, motor tricycle or motor quadrucycle.

(6) (a) Persons, other than traffic officers in the performance of their duties, driving motor cycles on a public road, shall drive in single file except in the course of overtaking another motor cycle, and two or more persons driving motor cycles shall not overtake another vehicle at the same time: Provided that where a public road is divided into traffic lanes, each such lane shall, for the purposes of this paragraph, be regarded as a public road.

(b) For the purposes of paragraph (a), a motor cycle shall include a motor tricycle or motor quadrucycle.

(7) No person driving a motorcycle, motortricycle or motor quadrucycle on a public road or seated on such motor cycle, motor tricycle or motor quadrucycle shall take hold of any other vehicle in motion.

(8) Any person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so with at least one hand on the handlebars of such motor cycle, motor tricycle or motor quadrucycle.

(9) Any person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so in such manner that all the wheels of such motor cycle, motor tricycle or motor quadrucycle are in contact with the surface of the road at all times.

310. Vehicle causing excessive noise

No person shall operate or permit to be operated on a public road a vehicle in such a manner as to cause any excessive noise which can be avoided by the exercise of reasonable care on his or her part.

310A. Use of hooter

No person shall on a public road use the sounding device or hooter of a vehicle except when

such use is necessary in order to comply with the provisions of these regulations or on the grounds of safety.

311. Riding on pedal cycles

(1) No person shall ride a pedal cycle on a public road unless he or she is seated astride on the saddle of such pedal cycle.

(2) Persons riding pedal cycles on a public road shall ride in single file except in the course of overtaking another pedal cycle, and two or more persons riding pedal cycles shall not overtake another vehicle at the same time.

(3) No person riding or seated on a pedal cycle on a public road shall take hold of any other vehicle in motion.

(4) No person riding a pedal cycle on a public road shall deliberately cause such pedal cycle to swerve from side to side.

(5) No person riding a pedal cycle on a public road shall carry thereon any person, animal or object which obstructs his or her view or which prevents him or her from exercising complete control over the movements of such pedal cycle.

(6) A person riding a pedal cycle on a public road shall do so with at least one hand on the handle-bars of such pedal cycle.

(7) Whenever a portion of a public road has been set aside for use by persons riding pedal cycles, no person shall ride a pedal cycle on any other portion of such road.

(8) A person riding a pedal cycle on a public road or a portion of a public road set aside for use by persons riding pedal cycles, shall do so in such manner that all the wheels of such pedal cycle are in contact with the surface of the road at all times.

312. Device running on rails

(1) Whenever rails laid across any public road are used for the purposes of any locomotive or other device running on rails, whether such device is drawn or propelled, no person driving or in charge of such locomotive or device shall cause or allow such locomotive or device to cross such public road unless he or she has given sufficient warning to users of such roadway of the intention to drive, draw or propel the locomotive or device across such road.

(2) No person driving or in charge of any locomotive or device mentioned in subregulation (1), shall cause or allow it to be stopped on a public road in such a manner as to obstruct or hinder traffic on such road: Provided that the provisions of this subregulation shall not apply to a locomotive or device mentioned in subregulation (1) which is temporarily stopped on a public road-

(a) in compliance with an order or instruction, whether in writing or otherwise or a hand signal or any other signal in relation to the use of such locomotive or device;

(b) for the purpose of loading or off-loading goods or allowing persons to board or alight at any place; or

(c) for shunting purposes.

313. Animal on public road

(1) Subject to the provisions of subregulation (2), no person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a public road where that section is fenced or in any other manner closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a public road.

(2) The provisions of subregulation (1) shall not apply-

(a) to any animal which is being ridden or is being used to draw a vehicle along a public road; or

(b) to any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.

(3) In any prosecution for a contravention of subregulation (1), it shall, in the absence of evidence to the contrary, be presumed that any animal referred to in subregulation (1) was left or allowed to be on the section of the public road or place concerned by the owner of such animal, and a section of a public road shall be regarded as fenced or enclosed along both sides even though there is an opening providing access to such road in the fence or other enclosure.

(4) No person shall drive any animal referred to in subregulation (1)-

(a) along a public road during the period from sunset to sunrise, unless a person carrying a red light visible in clear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or

(b) along a public road during any other period, unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.

(5) A person in charge of an animal on a public road shall tend the animal in such a manner as not to constitute an obstruction or danger to other traffic.

(6) A traffic officer may take charge of any animal referred to in subregulation (1) on a public road or take such steps in respect of the animal as determined by the MEC of the province concerned.

314. Animal-drawn vehicles

(1) No person shall operate an animal-drawn vehicle on a public road unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in letters not less than 25 millimetres high: Provided that nothing herein contained shall apply in respect of a vehicle used solely for the conveyance of persons otherwise than for hire or reward.

(2) No person shall operate an animal-drawn vehicle on a public road unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.

(3) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a public road by any person who is not competent whether by reason of his or her age or otherwise to drive and control such vehicle.

(4) The driver of an animal-drawn vehicle on a public road shall at all times give his or her undivided attention to the driving of the vehicle under his or her control,

and if the vehicle is standing on a public road, the driver shall not cease to retain control over every animal which is still harnessed to the vehicle, unless some other person competent to do so takes charge of every such animal, or every such animal is so fastened that it cannot move from the place where it has been left.

(5) No person shall operate on a public road a vehicle drawn by a team of animals not controlled by reins, unless there is a person leading the team and exercising control over such team.

(6) The driver or other person in charge of a vehicle drawn by any animal shall not, on a public road outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than 150 metres calculated from the foremost animal of such first-mentioned vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.

315. Pedestrian's right of way in pedestrian crossing

(1) Where a pedestrian crossing is situated in conjunction with a traffic signal, a pedestrian shall not enter such crossing except in accordance with the indications of such traffic signal as prescribed in these regulations.

(2) In circumstances not referred to in subregulation (1), the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a pedestrian crossing when the pedestrian is upon that half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly enter a pedestrian crossing and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield as contemplated in subregulation (2).

(4) Whenever any vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear shall not pass such stopped vehicle.

316. Duties of pedestrians

(1) Whenever a sidewalk or footpath abuts on the roadway of a public road, a pedestrian shall not walk on such roadway except for the purpose of crossing from one side of such roadway to the other or for some other sufficient reason.

(2) A pedestrian on a public road which has no sidewalk or footpath abutting on the roadway, shall walk as near as is practicable to the edge of the roadway on his or her right-hand side so as to face oncoming traffic on such roadway, except where the presence of pedestrians on the roadway is prohibited by a prescribed road traffic sign.

(3) No pedestrian shall cross a public road without satisfying himself or herself that the roadway is sufficiently free from oncoming traffic to permit him or her to cross the road in safety.

(4) A pedestrian, when crossing a public road by means of a pedestrian crossing or in any other manner, shall not linger on such road but shall proceed with due despatch.

(5) No pedestrian on a public road shall conduct himself or herself in such a manner as to or as is likely to constitute a source of danger to himself or herself or to other traffic which is or may be on such road.

(6) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.

317. Racing and sport on public roads

(1) For the purposes of this regulation the expression “race or sport” includes-

(a) any race, speed trial, reliability trial, hill climbing competition or sports meeting; or

(b) any other activity whatsoever -

(i) which may constitute a source of danger to traffic; or

(ii) which may hamper, impede or disrupt the normal flow of traffic.

(2) No person shall organize or take part in any race or sport on a public road, unless the prior written consent of the MEC of the province concerned has been obtained or, where the race or sport will take place wholly within the area of jurisdiction of a local authority, the prior written consent of such local authority has been obtained.

(3) In granting consent in terms of subregulation (2), the MEC or the local authority concerned, as the case may be, may

(a) in addition to any requirement prescribed in these regulations, impose such further conditions as he or she or it may deem expedient;

(b) exempt any person concerned with the race or sport for the duration thereof-

(i) from any provision of the Act regarding any speed limit or determine another speed limit for the road concerned;

(ii) from any other provision of the Act or from any by-law; or

(c) levy fees for defraying the expenses incurred by the Provincial Administration or local authority concerned in connection with the race or sport.

(4) Any consent granted in terms of subregulation (2) may be withdrawn at any time.

(5) A traffic officer responsible for the safety of the public in the area where the racing or sporting event is staged or a traffic officer at the scene of the event, may immediately withdraw the permission for the event or amend the conditions of the permit to ensure the safety of road users, if the staging or continuation of the event, in the traffic officer's opinion, is causing or will cause any danger or undue obstructions for other road users or any of the participants in the event.

[Subreg. (5) added by GN R1341/2003]

318. Convoys on public road

(1) No person shall operate on a public road a motor vehicle forming part of a convoy of motor vehicles which are being delivered to a motor dealer or other person

(a) between the hours of 18h00 on a Friday or, in the case where such Friday is a public holiday, the Thursday immediately preceding such Friday, and 06h00 on a Monday, or in the case where such Monday is a public holiday, the Tuesday immediately succeeding such Monday; or

(b) between the hours of 18h00 on the day immediately preceding Christmas Day and 06h00 on the day immediately succeeding the Day of Goodwill, to the extent to which such hours do not already fall within a period contemplated in paragraph (a).

(2) In a prosecution for a contravention of subregulation (1), it shall, in the absence of evidence to the contrary, be presumed that the motor vehicle concerned was in the process of being delivered to a motor dealer or other person.

319. Hindering or obstructing traffic on public road

(1) No person shall willfully or unnecessarily prevent, hinder or interrupt the free and proper passage of traffic on a public road.

(2) Subject to the provisions of the Act or any other law, no person shall place or abandon or cause to be placed or abandoned on a public road any object that may endanger or cause damage to traffic on such road.

320. Vehicle left or abandoned on public road

(1) Any vehicle standing on a public road in a position or in circumstances which in the opinion of a traffic officer, is likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a safer place by any such traffic officer or person or authority instructed by such officer to remove such vehicle and in the case where such a vehicle was carrying persons which is left stranded at the scene when the vehicle is removed to a safer place, the traffic officer concerned may arrange and contract with any other person to provide the necessary transport to such persons: Provided that such traffic officer or person or authority shall, in removing such vehicle, use such device or devices as may be necessary, having regard to the public safety.

[Subreg. (1) substituted by GN R1341/2003]

(1A) The owner of a vehicle referred to in subregulation (1) shall be liable for all expenses incurred in the removal and storage of such vehicle and the arrangement and contracting of another vehicle to transport stranded persons.

[Subreg. (1A) inserted by GN R1341/2003]

(2) Any vehicle

(a) parked in a place where -

(i) the stopping of a vehicle is prohibited in terms of regulation 304; or

(ii) a vehicle of a class to which such vehicle belongs may not be parked;

(b) left for a continuous period of more than-

(i) 24 hours in the same place on a public road outside an urban area;

(ii) seven days in the same place on a public road within an urban area; or

(iii) seven days on the site of any testing station; or

(c) found on a public road and to which-

(i) no licence number is affixed or, in the opinion of a traffic officer, a false licence number is affixed; or

(ii) no other number or anything else is affixed which may, in the opinion of a traffic officer, serve to identify the owner, shall be deemed to have been abandoned by the owner and such vehicle may be removed by or on behalf of the authority having jurisdiction over the place or road concerned and such authority shall take all reasonable steps to trace the owner, and the owner shall, except in the case of a stolen vehicle, be liable to such authority for the expenses incurred-

(aa) in the removal of such vehicle;

(bb) in keeping the vehicle in custody for a period not exceeding four months; and

(cc) in connection with the endeavour to trace him or her, and such authority may, subject to the provisions of subregulation (3), retain possession of such vehicle until such expenses have been paid.

(3) If-

(a) such owner is traced by the authority referred to in subregulation (2) which owner fails to recover the vehicle concerned and pay the expenses referred to in that subregulation within 14 days after being requested to do so; or

(b) after a lapse of one month from the date of removal contemplated in subregulation (2), the owner cannot be traced, such vehicle or anything contained therein may be sold in the manner prescribed by any law governing the sale of movable property by such authority and, whenever possible, the authority which registered such vehicle shall be advised of such sale.

(4) The proceeds of any sale referred to in subregulation (3) shall be applied firstly to the costs of the removal, custody and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle, and any balance shall be paid to the owner thereof upon his or her establishing his or her claim thereto: Provided that if no claim can be established within one year from the date of such sale, such balance shall be forfeited to the authority concerned.

(5) If an authority referred to in subregulation (2) is unable to sell any vehicle as contemplated in subregulation (3), it may dispose of that vehicle in any manner it deems fit, and any moneys received as a result of such disposal shall be forfeited to such authority.

(6) An authority referred to in subregulation (2) may delegate, either generally or specifically, any power conferred upon it in terms of that subregulation to any person in its employment.

(7) The reasonable exercise by any person or authority of the powers conferred by this regulation shall not render such person or authority subject to any liability in respect of the loss or theft of or damage to any vehicle or part thereof or of anything therein or thereon.

(8) Subject to the provisions of any other law, no person shall leave a vehicle in the same place on a public road for a continuous period of more than seven days.

321. Damage to public roads

No person shall on a public road:

(a) cause any wheel of any vehicle to drag or spin upon the surface of the roadway, except in the case of an emergency;

(b) make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway; or

(c) use any vehicle or thing or move any vehicle or thing on the roadway in a manner causing or likely to cause damage thereto.

322. Trading on public roads

Except -

(a) on or in premises zoned or demarcated for that purpose by a competent authority in terms of any law; or

(b) in such circumstances and in accordance with such requirements as may be prescribed, or determined by by-law, no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods-

(i) on or alongside a public road inside an urban area, within 180 metres of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within five metres from any intersection thereon; or

(ii) on or alongside any public road outside an urban area:

Provided that where a provincial administration is responsible for the maintenance of a public road inside an urban area, the competent authority of such urban area shall not so zone or demarcate premises in such urban area situated alongside such a road, without the prior approval of the MEC concerned.

323. Special provisions relating to freeways

(1) No person shall operate on a freeway-

(a) a vehicle drawn by an animal;

(b) a pedal cycle;

(c) a motor cycle having an engine with a cylinder capacity not exceeding 50 cubic centimetres or which is propelled by electrical power or which is a vehicle as contemplated in paragraph (b) of the definition of motor vehicle in the Act;

(d) a motor tricycle or motor quadrucycle;

(e) a vehicle with a mass not exceeding 230 kilograms and specially designed, constructed or adapted for the use of a person suffering from a physical defect or disability; or

(f) a tractor.

(2) No person shall -

(a) be on a freeway on foot except-

(i) within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign;

(ii) for a cause beyond his or her control; or

(iii) in the case of any person performing service in the Citizen Force as contemplated in section 21 of the Defence Act, 1957 (Act No. 44 of 1957), between the junction of an offramp and the junction of an on-ramp on the left-hand side of the roadway, unless a prescribed road traffic sign forbids the presence of such person on such freeway or junction;

(b) leave or allow an animal to be on a freeway except in or on a motor vehicle or within an area reserved for the stopping or parking of vehicles

by an appropriate road traffic sign, or leave an animal in a place from where it may stray onto a freeway;

(c) stop a vehicle on a freeway except-

(i) in compliance with a road traffic sign or a direction given by a traffic officer;

(ii) within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign;

(iii) for any cause beyond his or her control; or

(iv) in an area referred to in paragraph (a)(iii) for the purpose of allowing persons so performing service there to board or alight from such vehicle;

(d) give a hand signal when driving a motor vehicle on a freeway except for a cause beyond his or her control.

(3) In a prosecution for a contravention of subregulation (2)(b), it shall, in the absence of evidence to the contrary, be presumed that an animal was left or allowed on the freeway or place concerned by the owner of such animal.

(4) The provisions of -

(a) subregulation (1)(f) shall not apply to a person who operates a tractor in connection with the construction or maintenance of a freeway;

(b) subregulation (2)(a) shall not apply to-

(i) a traffic officer while he or she is engaged in the performance of his or her duties;

(ii) a person while he or she is engaged in rescue or salvage work;

(iii) a person while he or she is engaged in the construction or maintenance of a freeway or the rendering of an essential public service; or

(iv) a person while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977); and

(c) subregulation (2)(c) shall not apply to-

(i) the driver of-

(aa) an ambulance, fire-fighting vehicle or rescue vehicle; or

(bb) a breakdown vehicle while he or she is engaged in the salvaging of another motor vehicle;

(ii) a traffic officer who drives a vehicle in the performance of his or her duties;

(iii) a person who drives a vehicle while it is used in connection with the construction or maintenance of a freeway or the rendering of an essential public service; or

(iv) a person who drives a vehicle while he or she is engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977.

(5) Where the driver of a motor vehicle which is being driven in the right-hand traffic lane or in the traffic lane furthest to the right on a freeway (hereinafter referred to as the first vehicle) becomes aware that the driver of another motor vehicle (hereinafter referred to as the second vehicle) intends to overtake the first vehicle, the driver of the first vehicle shall steer that vehicle to a lane to the left of the one in which he or she is driving, without endangering himself or herself or other traffic or property on the freeway, and shall not accelerate the speed of his or her vehicle until the second vehicle has passed.

(6) For the purposes of subregulation (5) the driver of the second vehicle may make the driver of the first vehicle aware that he or she intends to overtake the first vehicle by giving the driver thereof a visible signal by means of flashing the headlights of his or her vehicle.

Part II

Driving signals and signals for the control of traffic

324. Left-turn hand signal

Subject to the provisions of regulations 323(2)(a) and 327, the driver of a vehicle on a public road who intends to turn to the left or move to the left shall, before reaching the point at which he or she intends to turn or move to the left, extend his or her right arm sideward from the shoulder with the forearm in a vertical and downward position and move his or her forearm in a circular anti-clockwise motion: Provided that in the case of a driver of a tractor, a two-wheel vehicle or an animal drawn vehicle, such driver may, in lieu of the hand signal aforesaid, extend his or her left arm and hand sideward from the shoulder and fully horizontal to the road with the palm of the hand turned to the front.

325. Right-turn hand signal

Subject to the provisions of regulations 323(2)(d) and 327, the driver of a vehicle on a public road who intends to turn to the right or move to the right shall, before reaching the point at which he or she intends to turn or move to the right, extend his or her right arm and hand sideward from the shoulder and fully horizontal to the road with the palm of the hand turned to the front.

326. Use of direction indicators in lieu of hand signals

(1) (a) The driver of a vehicle which is fitted with direction indicators in terms of the provisions of regulations 193 to 199 shall signal his or her intention to turn or move to the left or right by operating the direction indicator on the left or right side, as the case maybe, of the vehicle.

(b) The driver of a vehicle who has put a direction indicator into operation to signal his or her intention to turn or move to the left or right shall, as soon as the need to signal has passed, cease to keep such indicator in operation.

(2) The driver of a tractor or of a combination of motor vehicles of which the drawing vehicle is a tractor, may in lieu of giving the appropriate hand signal, signal his or her intention to turn to the left or to the right or move to the left or the right by extending a portable direction indicator which complies with the following requirements:

(a) When in use, the indicator shall project at least 300 millimetres beyond the widest part of the vehicle or load thereon, whichever is the wider;

(b) the portable direction indicator shall consist of a red fluorescent arrow of adequate rigidity, with dimensions as shown in Diagram A hereto, attached to a handle the length of which shall comply with the requirements of paragraph (a); and

(c) a yellow retro-reflector complying with the definition of a retro-reflector shall be fitted to the front and back surfaces of the arrow as illustrated hereunder.

Click here to see image

327. Signal to indicate intention to reduce speed

Subject to the provisions of regulation 323(2)(d), the driver of a vehicle on a public road who intends to stop or to reduce speed suddenly shall before doing so extend his or her right arm sideward from the shoulder with the forearm held in a vertical and upward position and the palm of the hand turned to the front: Provided that the provisions of this regulation shall not apply to the driver of a vehicle fitted with a stop lamp complying with the provisions of regulation 169.

328. Permissible hand signals

Subject to the provisions of regulation 323(2)(d), the driver of a vehicle may, in addition to the signals prescribed in the preceding regulations, give the following hand signals:

(a) If he or she intends to slow down, he or she may extend his or her right arm sideward from the shoulder with the palm of the hand turned downward and move his or her arm slowly up and down; and

(b) if he or she desires to indicate to following traffic that it may overtake his or her vehicle on the right, he or she may fully extend his or her right arm below the level of the shoulder with the palm of the hand turned forward and move it backward and forward from the shoulder.

329. Signals for use by traffic officer for control of traffic

(1) The signals which a traffic officer shall use for the control of traffic, are set out in Schedule 1: Provided that a traffic officer is not prohibited from giving any other signal he or she may deem appropriate in the exercise of his or her powers.

(2) A traffic officer who has given a stop signal to a driver of a vehicle or a pedestrian on a public road, may lower the hand by which such signal was given or use it for giving other signals and any such driver or pedestrian shall not proceed until such officer signals to him or her to do so.

Part III

General

330. Towing of vehicles

No person shall operate a vehicle on a public road towing another vehicle-

(a) if the length of the tow-rope, chain or tow-bar between the two vehicles exceeds three and a half metres;

(b) if the towed vehicle is connected to the towing vehicle in such a manner that both vehicles are not under control;

(c) unless the steering gear of the vehicle being towed is controlled by a person holding a code of driving licence authorising him or her to drive the class of such vehicle, if the towed vehicle is fitted with steering gear contemplated in regulation 200(l): Provided that the provisions of this paragraph shall not apply in the case where

(i) the steerable wheels of the towed vehicle are being carried clear of the ground; or

(ii) the device connecting the towing vehicle to the towed vehicle is such that the steerable wheels of the towed vehicle are controlled by such device;

(d) if the brakes of the towed vehicle do not comply with the provisions of regulation 155, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or tow-bar;

(e) at a speed in excess of 30 kilometres per hour, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or a tow-bar;

(f) if the towed vehicle is conveying persons at a speed in excess of 30 kilometres per hour, unless the towed vehicle is a semi-trailer; or

(g) if the towing vehicle is a motor cycle, motor tricycle, motor quadrucycle or pedal cycle.

331. Matters relating to registers and records

(1) A registering authority shall retain records of all transactions executed by such registering authority as contemplated in section 77 of the Act.

(2) A testing station shall-

(a) keep record of

(i) all applications in terms of regulation 139 made to such testing station;

(ii) all tests and examinations conducted at such testing station;

(iii) all certifications of roadworthiness issued by such testing station;

(b) summarize on a monthly basis, the results of all applications, examinations and testing conducted and provide copies of such summary to -

(i) the chief executive officer; and

(ii) the inspectorate of testing stations; and

(c) reconcile on a monthly basis, the number of tests conducted, the number of tests passed, the number of certifications of roadworthiness issued and the stock of such certifications in the possession of such testing station and provide such reconciliation to the MEC concerned.

(3) A driving licence testing centre shall-

(a) keep record, arranged monthly in alphabetical order according to the surnames of the applicants concerned-

(i) all applications in terms of regulation 103, 106 and 118 made to such testing centre, containing the applicant's name, identification number, applicable receipt number and code of licence applied for;

[Item (i) substituted by gN 2116/2001]

(ii) all tests and examinations conducted at such testing centre and the results thereof; and

(iii) all licences and professional driving permits issued by such testing centre;

(iv) all certificates of registration issued to instructors; and

[Para. (a) amended by gN 2116/2001]

(b) summarize, on a monthly basis, the results of all applications, examinations and tests conducted and of licences, permits and registration certificates issued and provide copies of such summary to-

(i) the chief executive officer; and

(ii) the inspectorate of driving licence testing centres.

(4) The chief executive officer shall-

(a) keep a register of-

(i) authorised officers;

(ii) driving licence testing centres;

(iii) testing stations,

(iv) operators;

(v) manufacturers, builders and importers; and

implex

(vi) manufacturers of number plates.

(b) retain on a register referred to in paragraph (a), such information contained on any form. completed in terms of the Act, as he or she may deem necessary for the purpose of the enforcement of the provisions of the Act.

(5) Final disposition of the records contemplated in this regulation shall be in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).

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

[Subreg. (6) added by GN R881/2004]

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

[Subreg. (7) added by GN R881/2004]

CHAPTER XII

MATTERS RELATING TO DRIVING WHILE UNDER INFLUENCE OF INTOXICATING LIQUOR OR DRUG HAVING NARCOTIC EFFECT, AND OFFENCES AND PENALTIES

332. Equipment used in ascertaining concentration of alcohol in breath
333. Offences and penalties

332. Equipment used in ascertaining concentration of alcohol in breath

(1) For the purpose of this regulation type-approved and type-approval means that one example of a specific make and model of equipment has been tested by the South African Bureau of Standards in terms of SAGS 1793: Evidential breath testing equipment and a test report indicating compliance with such specification is-issued in respect of such make and model of equipment.

(2) The equipment to be used to ascertain the concentration alcohol in any breath specimen as contemplated in section 65(7) of the Act, shall comply with the

requirements of the standard specification, SAGS 1793: Evidential breath testing equipment and shall be type-approved as contemplated in subregulation (1).

(3) If, in any prosecution for an offence under section 65(5) of the Act, an allegation is made in the charge sheet, in relation to the prescribed equipment used to ascertain the concentration of alcohol in a breath sample, a certified copy of a type-approval certificate, certifying that the specific make and model of equipment complies with SABS 1793, issued by the South African Bureau of Standards shall, in absence of evidence, to the contrary, be *prima facie* evidence as to the fact that the equipment complies with the provisions of subregulation (2).

(4) The equipment that complies with the requirements of subregulation (2) are -

(a) Drager Alcotest 7110 MK III Part No 8314647 (Germany)

(b) Drager Alcotest 7110 MK IV Part No 35307791 (Australia); and

(c) Intoxilyzer I-1400 (South African version - Intoxilizer 5000 P-SA)

(5) A certified copy of a certificate issued by the manufacturers or supplier of the equipment, that contains the make and model of the equipment, shall in absence of evidence to the contrary, be *prima facie* evidence that such equipment is of such make and model.

[Reg. 332 substituted by GN R1341/2003]

333. Offences and penalties

Any person who contravenes or fails to comply with a provision of -

(a) regulation 221 (Overall length of vehicle);

(b) regulation 223 (Overall width of vehicle);

(c) regulation 224 (Overall height of vehicle and load);

(d) regulation 225 (Turning radius and wheelbase);

(e) regulation 226 (Overhang of vehicle);

(f) regulation 227 (Projections in case of vehicle other than a motor cycle, motor tricycle, motor quadrucycle or pedal cycle);

(g) regulation 228 (Projections in case of motor cycle, motor tricycle, motor quadrucycle or
pedal cycle);

(h) regulation 229 (Warning in respect of projecting load);

(i) regulation 232 (Mass of persons and luggage for determining mass of load);

(j) regulation 233 (Number of persons that may be carried on motor vehicle in relation to seating capacity);

(k) regulation 234 (Permissible maximum axle massload of a vehicle);

(l) regulation 235 (Permissible maximum axle unit massload of a vehicle);

(m) regulation 236 (Permissible maximum vehicle mass);

(n) regulation 237 (Permissible maximum combination mass);

(o) regulation 238 (Load on tyres);

(p) regulation 239 (Gross vehicle mass, gross axle massload, gross axle unit massload, gross combination mass, power/ mass ratio and axle massload of driving axle/total mass ratio not to be exceeded);

(q) regulation 240 (Massload carrying capacity of the road);

(r) regulation 241 (Massload carrying capacity of bridges);

(s) regulation 242 (Distribution of axle massload and wheel massload on vehicle fitted with pneumatic tyres);

(t) regulation 243 (Axle massload of vehicles fitted with tyres other than pneumatic tyres);

(u) regulation 246 (Manner in which goods shall be carried); and

(v) regulation 247 (Circumstances under which persons may be carried on goods vehicle),

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six years or to both such fine and such imprisonment.

334. Vehicles owned by Department of Defence exempt

Any vehicle owned by the Department of Defence and which is not designed or adapted for the conveyance of goods or persons is exempt from the provisions of these regulations relating to the construction, equipment or loads on vehicles, other than the provisions of regulations 212, 234, 235, 236, 237, 240, 241 and 242.

335. Application for and issue of traffic register number and certificate

(1) An application for a traffic register number for the purpose of obtaining acceptable identification as contemplated in the definition of "acceptable identification", shall be made to the appropriate registering authority on form ANR as shown in Schedule 2 and shall be accompanied by-

(a) in the case of a body of persons, acceptable identification of the natural persons nominated as the representative, the proxy and the signee of the application and a form of proxy; or

(b) in the case of a natural person not permanently resident in the Republic-

(i) a temporary identity certificate, an unexpired passport or a temporary permit or other document of identity of a class recognised by the Minister of Home Affairs in terms of the legislation regulating the admission of persons to the Republic; and

(ii) two photographs of the applicant that comply with regulation 103(1).

[Para. (b) substituted by gN 2116/2001]

(2) The registering authority referred to in subregulation (1) shall-

(a) in the case of a body of persons and if satisfied that the application is in order, allocate a traffic register number to the applicant and issue a traffic register number certificate on form RNC as shown in Schedule 2; or

(b) in the case of a natural person and if satisfied that the application is in order-

(i) complete the traffic register number certificate on form RNC as shown in Schedule 2;

(ii) ensure that the applicant signs the certificate;

(iii) affix one photograph to the certificate and one photograph to the carbon copy, or to the application form if form RNC was printed by the register of traffic register numbers;

(iv) affix one lamination strip to the certificate and another to the carbon copy, or to the application form, if applicable, to cover the photograph and personal particulars of the holder;

(v) issue the certificate; and

(vi) retain the application form and, if not printed by the register of traffic register numbers, the carbon copy of the certificate for record purposes.

[Subreg. (2) substituted by gN 2116/2001]

(3) If any of the particulars submitted in the application referred to in subregulation (1) or contained in the traffic register number certificate change, the holder thereof shall, within 21 days after such change, notify the appropriate registering authority on form ANR as shown in Schedule 2 and the provisions of subregulation (2) shall apply *mutatis mutandis.*

(4) If a person or body of persons who is the holder of a traffic register number certificate, becomes the holder of any other document referred to in the definition of “acceptable identification” he or she shall, within 21 days after becoming such holder, notify the appropriate registering authority referred to in subregulation (1) thereof on form ANR as shown in Schedule 2 and shall at the same time hand such document together with the traffic register number certificate to such registering authority.

(5) The registering authority shall, if satisfied that the notification referred to in subregulation (4) is in order, cancel the traffic register number certificate and amend its records accordingly.

335A. Inspector of licences or traffic officer entitled to free use of certain facilities

Where an inspector of licences or traffic officer in the performance of his or her duties makes use of any testing or mass measuring facility provided by a registering authority, no payment shall be demanded for such use.

335B. Officer to use prescribed forms

An inspector of licences or a traffic officer who issues a receipt for the impoundment of a

document in terms of section 3F(e), 3F(h), 3I(j) or 3I(n) of the Act, as the case may be, shall use form NRD as shown in Schedule 2.

(Reg. 335B not yet in operation)

336. Proxy and representative

A person carrying on a business or a body of persons, referred to in paragraph (a)(ii), (iii) or (iv) of the definition of "appropriate registering authority" in regulation 1 , shall identify one proxy and one representative in respect of each branch of such business or body of persons.

337. Prohibition of use of certain lamps or lighting devices

(1) No person shall use a lamp or lighting device in such a manner that the visibility of such lamp or lighting device from a public road, endangers public safety.

(2) This regulation does not apply to lamps and lighting devices which are used-

(a) on a motor vehicle;

(b) in accordance with any law;

(c) by the State or any other statutory body, in the execution of its functions, powers and duties; or

(d) under a written authorisation issued by the local authority concerned.

(3) Lamps and lighting devices which are in use in contravention of the provisions of subregulation (1) at the date of commencement of this regulation, may be so used until such time as the local authority concerned directs that it be removed or altered in terms of subregulation (5), in which event the cost of such removal or alteration shall be borne by the persons so using the lamps or lighting devices.

(4) The local authority concerned may authorise the use of a lamp or lighting device which is visible from a public road under such conditions and for such a period as determined by such local authority and such authorisation may be altered or revoked at any time by that local authority.

(5) If the local authority concerned is satisfied that a lamp or lighting device is used in contravention of the provisions of this regulation, that local authority may by written notice direct the person so using such lamp or lighting device, to alter or remove that lamp or lighting device at his or her cost within the period determined by that local authority, which period shall not be less than 14 days.

(6) If a direction in terms of subregulation (5) has not been complied with within the period referred to in that subregulation, the local authority concerned may remove or alter the lamp or lighting device concerned and recover the cost of such removal or alteration from the person using such lamp or lighting device.

(7) For the purposes of this regulation a lamp or lighting device shall be deemed to be used by the person on whose property such lamp or lighting device has been erected.

337A. Duplicate of document or token

(1) If-

(a) a registering authority is satisfied that a certificate, licence or other document or token issued in terms of the Act by means of a computer under the control of the Minister; or

(b) a registering authority or other authority is satisfied that a certificate, licence or other document or token, other than a document or token contemplated in paragraph (a), issued by it in terms of the Act, has been lost, destroyed or defaced or that the figures or particulars thereon have

become illegible, such authority shall, upon receipt of an application on form CDV as shown in Schedule 2 and upon payment of the fees determined by the MEC of the province concerned, issue a duplicate of such certificate, licence or other document or token to the person who, in the opinion of such authority, is entitled thereto, with either the word "DUPLICATE" written thereon or the issue number printed thereon: Provided that a duplicate of-

(i) a licence disc shall not be issued, and where such disc has been lost, destroyed or defaced or the figures or particulars thereon have become illegible, the person to whom such licence disc was issued, shall-

(aa) in the case of a motor vehicle licence, apply for the issue of such a licence; or

(bb) in the case of a motor trade number, apply for the cancellation of the motor trade number concerned and the issue of a new motor trade number;

(ii) a learner's licence which was issued in accordance with section 17(3) shall only be issued to the person to whom the original licence was issued.

(2) If, after the issue of a duplicate in terms of subregulation (1), the original certificate, licence or other document or token is found, the person to whom the duplicate was issued shall take all reasonable steps to obtain possession thereof and return it forthwith to the authority which issued the duplicate.

(3) Notwithstanding the provisions of subregulation (1) a registering authority shall only issue a duplicate of a registration certificate in respect of a motor vehicle to the title holder of such motor vehicle, or to the proxy or representative of the title holder concerned if such title holder, proxy or representative apply in person for such registration certificate on form DRC as shown in Schedule 2.

[Subreg. (3) added by GN R1341/2003 and substituted by GN R1066/2005]

[Reg. 337A inserted by gN 2116/2001]

338. Transitional provisions: References to chief executive officer, Shareholders Committee and Corporation

For the purpose of interpretation of these regulations-

(a) in regulation 1 in the definition of “approved”, the words “chief executive officer” mean the Minister;

(b) in regulation 27(5)(a)(iii), the words “chief executive officer” mean the Minister;

(c) in regulation 39(2)(d), the words “chief executive officer” mean the MEC;

(d) in regulation 40, the words “chief executive officer” mean the MEC;

(e) in regulation 41, the words “chief executive officer” mean the MEC;

(f) in regulation 42, the words “chief executive officer” mean the MEC;

(g) in regulation 44, the words “chief executive officer” mean the MEC;

(h) in regulation 46, the words “chief executive officer” mean the MEC;

(i) in regulation 47, the words “chief executive officer” mean the MEC;

(j) in regulation 49, the words ‘thief executive officer” mean the MEC;

(k) in regulation 50, the words “chief executive officer” mean the MEC;

(l) in regulation 51, the words “chief executive officer” mean the MEC;

(m) in regulation 62, the words “chief executive officer” mean the Minister;

(n) in regulation 108(1A) the word “Corporation” means the Department;

(nA) in regulations 114A to 114F, the words “chief executive officer” mean the MEC;
[Para. (nA) inserted by GN R881/2004]

(o) in regulation 119(1A), the word “Corporation” means the Department;

(p) in regulation 123, the words “chief executive officer” mean the MEC;

(q) in regulation 267, the words “chief executive officer” mean the MEC;

(r) in regulation 269, the words “chief executive officer” mean the MEC;

(s) in regulation 271, the words “chief executive officer” mean the MEC;

(t) in regulation 280(3), the words “Shareholders Committee” mean the Minister;

(u) in regulation 331(2)(b)(i), the words “chief executive officer” mean the MEC concerned;

(v) in regulation 331(3)(b)(i), the words “chief executive officer” mean the MEC concerned; and

(w) in regulation 331(4), the words “chief executive officer” mean the MEC.

338A. Transitional provisions: References to sections of Act not yet in force

(1) For the purpose of interpretation of these regulations the words “sections 3I and 3G of the Act” in regulation 115(2)(a) of the Regulations, mean sections 11 and 9 of the Road Traffic Act, 1989 (Act No. 29 of 1989).”.

(2) For the purpose of interpretation of these regulations the words “regulation 2” and “regulation 1B” in regulation 343E of the Regulations, mean “regulation 1E” and “regulation 1A” respectively of the Road Traffic Act, 1989 (Act No. 29 of 1989).

[Reg. 338A substituted by GN R1341/2003]

339. Transitional provisions: Fees

The fees determined by the MEC of each province before the date of commencement of the Act as being payable in respect of any application or request made, or document issued in terms of the Road Traffic Act, 1989 (Act No. 29 of 1989), or any other matter referred to in that Act, shall be payable in respect of an application or request made, or document issued in terms of, or other matter referred to in, the corresponding provisions of the Act.

340. Transitional provisions: Training centres

Training centres shall be deemed to be approved in terms of section 3L of the Act for a period of six months from the date of commencement of that section of the Act:

Provided that this regulation shall not be interpreted to prevent action instituted before the commencement of that section of the Act to be continued against a training centre, or to prevent any other prosecution of the training centre, other than prosecution for not being duly approved in terms of the Act.

341. Transitional provisions: Manufacturers of number plates

Manufacturers of number plates are deemed to be registered in terms of section 5 of the Act until 1 August 2004: Provided that this regulation shall not be interpreted to prevent action instituted before the commencement of that section of the Act to be continued against a manufacturer of number plates, or to prevent any other prosecution of the manufacturer, other than prosecution for not being duly registered in terms of the Act.

[Reg. 341 amended by Gen N 2116/2001 and GN R1341/2003]

342. Transitional provisions: Professional driving permits

The holder of a valid category "G" or "P" professional driving permit who drives a motor vehicle carrying dangerous goods, the gross vehicle mass of which exceeds 3 500 kilograms, or a vehicle to which standard specification SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" or standard specification SABS 1518: "Transportation of dangerous goods - design requirements for road tankers" applies, shall from the date of commencement of regulation 115(1)(f), subject to the said permit being cancelled or suspended-

(a) be deemed to hold a category "D" professional driving permit for the period for which his or her professional driving permit is valid; and

(b) notwithstanding the provisions of regulation 117, the holder of a valid category "G" or "P" professional driving permit shall not be disqualified from obtaining a category "D" professional driving permit by reason only of the fact that he or she is younger than 25 years of age.

[Reg. 342 substituted by GN R726/2001]

343. Transitional provisions: Instructors

The holder of a valid certificate issued under the Road Traffic Act, 1989 (Act No. 29 of 1989), authorising him or her to act as instructor, shall, subject to cancellation or suspension of the certificate, be deemed to be the holder of a registration certificate as

contemplated in regulation 114C for a period of one year calculated from the date of commencement of that regulation.

343A.Transitional provisions: Forms

A form prescribed in Schedule 2 to these regulations prior to 1 January 2005 or any form that is similar to the form prescribed by the regulation concerned, and serving a similar purpose to the form prescribed by the regulation concerned, is equivalent to the corresponding form prescribed in Schedule 2 to these regulations, and shall be deemed to be valid for a period of two years from the date of commencement of these regulations.

[Reg. 343A substituted by GN R1066/2005]

343B.Transitional provisions: Exemption from laws relating to parking

A valid exemption certificate issued under section 137 of the Road Traffic Act, 1989 (Act No.

29 of 1989), shall remain valid up and until a date determined in a provincial law that makes provision for such a exemption certificate, and shall from that date be dealt with in the manner prescribed in such provincial law.

[Reg. 343B inserted by GN R761/2000]

343C.Transitional provision: Validation of things done by local authorities

Any resolution and by-law made, and any establishment of ranks or stands, by a local authority in terms of the Road Traffic Act, 1989 (Act No. 29 of 1989) that would have been valid if the Act did not come into operation, is hereby validated up and until a date determined in any road traffic law that makes provision for such resolution, by-law or establishment of ranks or stands, and shall from that date be dealt with in the manner prescribed in such law.

[Reg. 343C inserted by GN R941/2000]

343D.Transitional provisions: Category "D" operator card

(1) A valid category "G" operator card displayed on a motor vehicle to which regulations 273 to 283 applies as contemplated in regulation 274, shall from the date of commencement of regulations 273 to 283 be deemed to be a valid category "D" operator card for the period of its validity.

(2) Notwithstanding the date of commencement of regulations 273 to 283, a motor vehicle that did not have to display an operator card before the commencement of the said regulations, shall, after the said date of commencement, display a category "D" operator card within the month after the month during which the licence disc of the vehicle concerned lapsed.

[Reg. 343D inserted by GN R726/2001]

343E.Transitional provision: Driving licences

(1) Any licence substituted in terms of section 19 of the Act from 1 March 1998 to 1 August 2003 by a person required in terms of regulation 2 of the Regulations to be registered and graded as a grade F examiner for driving licences, who has in terms of regulation 1B applied to be registered and graded as a grade F examiner for driving licences and-

(a) who was so registered and graded although his/her competency could not have been determined by reason of the lack of requirements; or

(b) who was not so registered and graded because his/her competency could not have been determined by reason of the lack of requirements,

shall not be void for such reason only.

[Reg. 343E inserted by GN R1341/2003]

344. Transitional provisions: General

(1) Any licence, certificate, permit, exemption or authorisation issued or granted or any other thing done under any provision of a regulation repealed by regulation 345 shall be deemed to have been issued, granted or done in terms of the corresponding provision of these regulations for the period for which and subject to the conditions under which it was issued, granted or done.

(2) Any application made under a regulation repealed by regulation 345, which has not been disposed of at the date of commencement as contemplated in regulation 346, shall be deemed to be an application under the corresponding provisions of these regulations.

(3) Any relevant provision of the Road Traffic Regulations made under the Road Traffic Act, 1989 (Act No. 29 of 1989), shall, notwithstanding the provisions of

regulation 345, remain in force until such time as the corresponding provision of these regulations (if any) has been put in operation under regulation 346.

345. Repeal of regulations

Subject to regulations 338 to 344, the Road Traffic Regulations, 1990, published by Government Notice No. R. 910 of 26 April 1990, as amended by Government Notices Nos. R. 1312 of 13 June 1990, R. 1954 of 17 August 1990, R. 2066 of 31 August 1990, R. 2982 of 14 December 1990, R. 125 of 14 February 1991, R. 1059 of 4 June 1991, R. 2694 of 15 November 1991, R. 1695 of 15 June 1992, R. 2803 of 1 October 1992, R. 2895 of 8 October 1992, R. 3172 of 20 November 1992, R. 766 of 30 April 1993, R. 1214 of 1 July 1993, R. 1767 of 20 September 1993, R. 1878 of 18 October 1993, R. 2448 of 24 December 1993, F1.792 of 29 April 1994, R. 1048 of 3 June 1994, R. 1081 of 7 June 1994, R.1447 of 26 August 1994, R. 1835 of 28 October 1994, R. 352 of 28 February 1995, R. 926 of 30 June 1995, R. 1036 of 14 July 1995, R. 1135 of 28 July 1995, R. 1930 of 15 December 1995, R. 228 of 16 February 1996, R. 832 of 17 May 1996, R. 1076 of 28 June 1996, R. 1448 of 26 August 1996, R. 2112 of 27 December 1996, R. 356 of 28 February 1997, R. 1159 of 5 September 1997, R. 1238 of 19 September 1997, R. 1747 of 31 December 1997, R. 276 of 23 February 1998, R. 342 of 3 March 1998, R. 870 of 30 June 1998, R. 1018 of 7 August 1998, R. 1587 of 4 December 1998, R. 419 of 9 April 1999, R. 566 of 30 April 1999, R. 1432 of 26 November 1999 and R. 1535 of 30 December 1999, are repealed.

346. Title and commencement

(1) These regulations are called the National Road Traffic Regulations, 2000, and come into
operation on a date to be determined by the Minister by notice in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of these regulations, and dates so fixed may differ in respect of. different-

(a) persons or goods or categories of persons or goods transported by means of a motor vehicle;

(b) kinds or classes of motor vehicles used in the transportation of persons or goods;

(c) persons or categories of persons; or

(d) areas in the Republic.

(3) More than one of the elements referred to in subregulation (2)(a) to (d) may be combined for the purposes of that subregulation.

SCHEDULE 1

(Contact Implex on 0861 IMPLEX for copy of the schedule)

CLASS I: ROAD SIGNS

(i) Regulatory Signs
- (aa) Control Signs
- (bb) Command Signs
- (cc) Prohibition Signs
- (dd) Reservation Signs
- (ee) Comprehensive Signs
- (ff) Exclusive Secondary Signs
- (gg) De-restriction Signs

(ii) Warning Signs
- (aa) Advance warning signs
- (bb) Hazard Marker Signs

(iii) Guidance Signs
- (aa) Location Signs

(bb) Route marker signs

(cc) Direction Signs

(dd) Freeway Direction Signs

(ee) Tourism Direction Signs

(ff) Local Direction Signs

(gg) Diagrammatic Signs

(hh) Pedestrian signs

(iv) Information Signs

CLASS II: ROAD MARKINGS

(i) Regulatory markings

(ii) Warning Markings

(iii) Guidance Markings

CLASS III : ROAD SIGNALS

(i) Regulatory Signals

(ii) Warning Signals

ANNEXURE TO SCHEDULE 1

SCHEDULE 2

(Contact Implex on 0861 IMPLEX for copy of the schedule)