

of subsection (3), be deemed to be registered in terms of this Part while in Swaziland -

- (a) during a continuous period of 12 months calculated from the date on which such motor vehicle is brought into Swaziland; 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) A motor vehicle referred to in subsection (1) or (2) shall no longer be deemed to be registered if such motor vehicle does not comply with the provisions of the said subsections while in Swaziland.

***Exemption from registration***

15. The Minister may by regulation exempt any class of vehicles, subject to the prescribed conditions, from the provisions of this Part relating to registration.

***Licensing of Motor vehicles***

16 (1) Every motor vehicle in Swaziland shall, subject to the provisions of sections 17 and 18, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle in the manner prescribed and on payment of the prescribed fee.

(2) A person shall not operate a motor vehicle, on a public road any motor vehicle, which is not licensed in terms of the regulations under subsection (1) on a public road.

***Motor vehicle deemed to be licensed***

17. (1) A motor vehicle which is deemed to be registered in terms of section 14 shall be deemed, notwithstanding anything to the contrary contained in this Part, to be licensed in accordance with the provisions of this Part.

(2) A motor vehicle owned by a motor dealer for the purposes of sale or exchange in the course of his 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, notwithstanding anything to the contrary contained in this Part, to be licensed in accordance with the provisions of this Part.

(3) A motor vehicle referred to in subsection (1) shall no longer be deemed to be licensed, with effect from the date from which such motor vehicle shall no longer be deemed to be registered as contemplated in section 14(3), and the owner of such motor vehicle shall be liable to licence such motor vehicle in terms of this Part.

***Exemption of motor vehicles from licensing***

18. The Minister may by regulation exempt any class of vehicles, on the prescribed conditions, from the provisions of this Part relating to licensing.

***Motor trade number***

19. (1) A person who is a manufacturer, builder, importer, motor transport contractor or motor dealer may operate a motor vehicle which may not otherwise be operated 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 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.

(2) A person who is a deposit taking institution and who is a credit grantor in respect of a motor vehicle which is subject to an instalment sale transaction, or a leasing transaction; and he desires to operate on a public road for the purpose of repossession such motor vehicle;

(3) An application for a motor trade number and the issuing of such number shall be made in the prescribed manner and be accompanied by the prescribed fee.

(4) A person shall not operate a motor vehicle under a motor trade number, except for the purposes referred to in this section.

***Motor trade number to be licensed***

20. Every motor trade number issued under this Act shall be licensed by the holder of such motor trade number in the prescribed manner and against payment of the prescribed fee.

***Number issued in prescribed territory***

21. 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 Swaziland.

***Temporary and Special permits***

22. (1) A person who desires to operate a motor vehicle on a public road which has not been registered and licensed, which may not otherwise be so operated, may -

- (a) if such person is the owner of the motor vehicle, obtain, in the manner prescribed and on payment of the prescribed fee, 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 accordance with this Part, but only during the period permitted for such registration and licensing;
- (b) obtain, in the manner prescribed and against payment of the prescribed fee, 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 made or/and

- (iii) reaching an examiner of vehicles or mass measuring apparatus; or
- (iv) repossessing such motor vehicle, as contemplated in section 19 (2)

(2) A temporary permit -

(a) shall not be issued in respect of -

- (i) a motor vehicle imported by a person other than an importer;
- (ii) a used motor vehicle which is required to be registered and licensed by reason of a change in ownership thereof;
- (iii) a motor vehicle which has been built up from parts of other motor vehicles;
- (iv) a motor vehicle which has been reconstructed or altered; or
- (v) a motor vehicle which has been manufactured, built or imported by a manufacturer, builder or importer, unless a roadworthy certificate in respect of such motor vehicle is submitted;

(b) shall not be issued in respect of a motor vehicle, of which the owner changes, unless the new owner of such motor vehicle submits an application for the licensing thereof in terms of section 16;

(c) that is blank, may only be issued to a motor dealer.

(3) The owner of a motor vehicle which is licensed who cannot forthwith display the registration mark or vehicle licence disc of such vehicle may obtain a special 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.

#### PART IV FITNESS OF DRIVERS

##### *Driver of motor vehicle to be licensed*

23. (1) A person shall not drive a motor vehicle on public road except under the authority and in accordance with the conditions of a licence issued to him under this Act or of any document deemed to be a licence for the purposes of this Part and unless he keeps such licence or document or any other prescribed authorisation with him in the vehicle.

(2) A person who is the operator or owner or has the charge or control of a motor vehicle shall not employ or permit any other person to drive such motor vehicle upon a public road unless such other person is licensed to drive a motor vehicle of the class concerned.

##### *Issue of learner's and driver's licences*

24. A licence authorising the driving of a motor vehicle shall be issued in the prescribed manner and in accordance with the provisions of this Act and shall be either -

- (a) a provisional licence, to be known as a learner's licence; or

(b) a licence, to be known as a driver's licence,

and, except as otherwise provided in this Act, no person shall be examined or tested for the purpose of the issue to him to a driver's licence unless the person is the holder of a learner's licence of that particular category.

***Prescribing classification of and other matters relating to learners and driver's licences***

25. Subject to the provisions of this Part, the Minister may make regulations relating to -

- (a) the category of a learner's or driver's licence;
- (b) the class of motor vehicle to which each category of such licence relates;
- (c) the authority conveyed by such licence;
- (d) the period of validity of such licence;
- (e) the limitations to which the authority conveyed by such licence shall be subject and the cancellation and amendment of such limitations;
- (f) the form and content of such licence;
- (g) the issue of international driving permits;

***Validity of licence to drive a motor vehicle issued under repealed Act or any prior legislation***

26. (1) A licence authorising the driving of a motor vehicle which -

- (a) was issued in terms of the provisions of the repealed Act;
- (b) was deemed to be a licence in terms the repealed Act,

shall, subject to subsection (2), be deemed to be a licence issued in terms of this Act.

(2) The Minister may, by notice in the Gazette, determine the period of validity of a licence referred to in subsection (1) and different periods of validity may be determined with regard to different categories of licences.

(3) Notwithstanding the provisions of this Act -

- (a) a public driver's permit referred to in section 62 of the repealed Act;
- (b) any document or endorsement issued or made by a competent authority in any prescribed territory and serving a similar purpose to that of a public driver's permit,

shall, subject to the conditions thereof, be deemed to be a professional driver's permit.

***Disqualification from obtaining or holding learner's or driver's licence***

27. (1) A person is disqualified from obtaining or holding a learner's or driver's licence -

- (a) if in the case of a licence for a motor cycle, motor tricycle or motor quadrucycle having an engine with a cylinder capacity not exceeding 125 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", he is under the age of 16 years;

- (b) if in the case of a learner's licence for a light motor vehicle, being a motor vehicle not of a class as referred to in subparagraph (a) and the tare of which does not exceed 3 500 kilograms or, where such motor vehicle is -
  - (i) a bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms;
  - (ii) an articulated motor vehicle, the gross combination mass of which does not exceed 3 500 kilograms,

he is under the age of 20 years;

- (c) if in the case of any other licence, including the public service vehicle, he is under the age of 25 years;
- (d) during any period in respect of which he has been declared by a competent authority to be disqualified from obtaining or holding a licence to drive a motor vehicle, while such disqualification remains in force;
- (e) where a licence to drive a motor vehicle held by him has been suspended by a competent authority, while such suspension remains in force;
- (f) where a licence to drive a motor vehicle held by him has been cancelled by a competent authority, while such cancellation remains in force;
- (g) if such licence relates to a class of motor vehicle which he may already drive under a licence held by him;
- (h) if he is suffering from one or other of the following diseases or disabilities:
  - (i) uncontrolled epilepsy;
  - (ii) sudden attacks of disabling giddiness or fainting due to hypertension or any other cause;
  - (iii) any form of mental illness to such an extent that it is necessary that he be detained, supervised, controlled and treated as a patient in terms of any applicable Act;
  - (iv) any condition causing muscular incoordination;
  - (v) uncontrolled diabetes mellitus;
  - (vi) defective vision as ascertained in accordance with the prescribed standard;
  - (vii) any other disease or physical or mental disability which is likely to render him incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public, but deafness shall not of itself be deemed to be such a disability;
- (i) if he is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor;

- (j) with effect from a date determined by the Minister in the Gazette, if his offences record indicates, in accordance with the prescribed criteria, that he fails to comply with the provisions of this Act;
- (k) in such other circumstances as may be prescribed, either generally or in respect of a particular class of learner's or driving licence.

(2) The Minister may, on such conditions as he may deem fit, declare on such conclusion as he may determine, that a person shall no longer be subject to any disqualification, suspension or cancellation referred to subsection (1)(d), (e) or (f), respectively.

***Failure to disclose disqualification in respect of licence authorising the driving of motor vehicle***

28. (1) A person shall not, when applying for a learner's or driver's licence, wilfully fail to disclose any disqualification to which he is subject in terms of section 27.

(2) A person who -

- (a) is the holder of a licence authorising the driving of a motor vehicle in terms of this Act; and
- (b) becomes aware of the fact that he is disqualified from holding such licence,

shall, within a period of 21 days after having so become aware of the disqualification, submit such licence to the minister or any other person designated by the Minister.

(3) When a licence is submitted in terms of subsection (2) the Minister shall cancel it and notify the office where record of such licence is kept, of the cancellation, provided that the licence shall not be cancelled if the Minister is satisfied that the holder thereof is competent to drive the class of motor vehicle concerned with the aid of glasses or contact lenses, an artificial limb or any other physical aid, in which case the Minister shall -

- (a) endorse the licence accordingly and such endorsement shall be a condition subject to which the licence is held;
- (b) return the licence to the holder thereof; and
- (c) notify the said office accordingly.

***Minister may appoint driving licence testing centre***

29. (1) The Minister may appoint a person or department of government as a driver's licence testing centre and such driver's licence testing centre shall be registered and graded in the prescribed manner upon compliance with the prescribed requirements.

(2) Where the Minister has appointed a driver's licence testing centre in terms of subsection (1), that driver's licence testing centre may perform the functions assigned to it by the Minister.

***Suspension or cancellation of registration of driver's licence testing centre***

30. The Minister may, if in his opinion a driver's licence testing centre operated by any person or a department of government no longer complies with the requirements referred to in section 29, suspend, for a period not exceeding three months, or cancel the registration of that driver's licence

testing centre in the prescribed manner.

***Application for and issue of learner's licence***

31. (1) A person desiring to obtain a learner's licence shall apply in the person in the prescribed manner for the issue of such licence.

(2) An application made in terms of subsection (1) shall be accompanied by the prescribed fees.

(3) A learner's licence shall not be issued to an applicant, unless such applicant complies with the prescribed requirements and is not disqualified in terms of section 27.

(4) A person shall not issue or authorise the issue of a learner's licence contrary to the provisions of this Act.

***Application for and issue of driver's licence***

32. (1) The holder of a learner's licence who desires to obtain a driver's licence shall apply in the prescribed manner for a licence to drive a motor vehicle of a class the driving of which is authorised by his learner's licence.

(2) An application made in terms of subsection (1) shall be accompanied by the prescribed fees.

(3) A driver's licence shall not be issued to an applicant, unless such applicant complies with the prescribed requirements and is not disqualified in terms of section 27.

(4) An examiner for driver's licences shall test an applicant for a driver's licence in the manner and in respect of the matters, as prescribed.

(5) If an examiner for driver's licences has satisfied himself in terms of subsection (4) that an applicant for a driver's licence is competent, to drive a motor vehicle of the class to which such applicant's application relates, such examiner shall authorise the issue of a driver's licence in the prescribed manner to such applicant in respect of such class of motor vehicle and such driver's licence shall -

- (a) in the case where the licence relates to a motor vehicle equipped with an automatic transmission or which is propelled by electrical power, be endorsed to the effect that authorisation is granted only for the driving of a motor vehicle equipped with an automatic transmission or which is propelled by electrical power, as the case may be;
- (b) in the case where the applicant is found to be competent to drive with the aid of glasses or contact lenses, an artificial limb or other physical aid, be endorsed accordingly;
- (c) in the case where the applicant is a physically disabled person and the licence relates to a motor vehicle which is specially adapted, constructed or equipped for the use of a person who is disabled, be endorsed accordingly.

(6) A driver's licence shall be issued upon payment of the prescribed fee.

(7) The holder of a driver's licence may apply for the renewal of such licence prior to the expiry of the period of validity of such licence.

(8) An application made in terms of subsection (7) shall be made in the prescribed manner and accompanied by the prescribed fees.

(9) A person shall not issue a driver's licence or authorise the issue of a driver's licence contrary to the provisions of this Act.

***Substitution of certain driver's licences***

33. (1) From a date fixed by the Minister by notice in the Gazette, a person who is the holder of a driver's licence referred to in section 26 may apply in the prescribed manner for a driver's licence to be issued to him in substitution of such first-mentioned licence.

(2) An application made in terms of subsection (1) shall be accompanied by the prescribed fees.

(3) A licence referred to in subsection (1) shall be issued upon payment of the prescribed fee.

***Power of Minister in respect of examination and testing of applicant for learner's or driver's licence***

34. Notwithstanding anything to the contrary contained in this Act, the Minister may, whenever he deems it expedient, direct where and by which examiner of driver's licences an applicant for a learner's or driver's licence shall be examined and tested and at which testing centre, such applicant may apply for a driver's licence or the renewal of such licence.

***When licence not issued in terms of this Act deemed to be a driver's licence***

35. (1) Subject to section 27 and subsection (2) of this section and the prescribed conditions -

- (a) a licence authorising the driver of a motor vehicle and which is issued in any country other than Swaziland or another territory; and
- (b) an international driver's permit which is issued in any other country or other territory while the holder thereof was not permanently or ordinarily resident in Swaziland.

shall, in respect of the class of motor vehicle to which such licence or permit relates and subject to the conditions thereof, be deemed to be a licence for the purposes of this Act, but if that licence is a provisional licence or an international driver's permit, it shall not authorise the driving of a motor vehicle carrying passengers for which an operator must be registered, in terms of the Road Transportation Act.

(2) (a) The period for which a licence or a permit referred to in subsection (1) shall be deemed to be a licence for the purposes of this Act, shall be as prescribed and different periods may be so prescribed in respect of licences or permits issued by different countries.

- (b) The holder of such licence or driving permit may, subject to the prescribed conditions, apply for a driver's licence in substitution of such licence or permit and for that purpose section 33 shall apply *mutatis mutandis*.



***Suspension or cancellation by the Minister of licence authorising the driving of a motor vehicle.***

36. (1) The Minister may, upon proof to his satisfaction that the holder -
- (a) of a learner's driver's licence is disqualified in terms of section 27 from holding such licence, cancel such licence;
  - (b) of such licence would constitute a source of danger to the public by driving a motor vehicle on a public road, cancel or suspend such licence; or
  - (c) of such licence, has a record of convictions which exceeds the limit of type and number prescribed, cancel or suspend such licence.
- (2) For the purposes of subsection (1) -
- (a) the Minister may request the holder of a licence to submit himself within such period as the Minister may determine to an examination and a test by one or more examiners driver's licences nominated by the Minister, to determine his competency to drive a motor vehicle of the class to which his licence relates, and for the purpose of such examination and test the holder of the licence shall provide a motor vehicle of the relevant class;
  - (b) the holder of the licence concerned may request that he be submitted to such examination and test to determine his competency to drive a motor vehicle -
    - (i) of any other class of which the driving is authorised by his licence; or
    - (ii) of a specified class,
 and for the purpose of such examination and test the driver shall provide a motor vehicle of the class concerned;
  - (c) the Minister may request the holder of the licence to submit himself within such period as the Minister may determine to an examination by a medical practitioner nominated by the Minister to determine his physical and mental fitness to drive a motor vehicle.
- (3) If the holder of a licence is after the examination and test in terms of subsection (2)(a) or (b) found to be competent to drive a motor vehicle of the class provided by the driver and is not disqualified in terms of section 27, the Minister may direct -
- (a) that every licence authorising the driving of a motor vehicle and of which the driver is the holder shall be cancelled; and
  - (b) that a driver's licence in respect of a motor vehicle of the class provided by him shall be issued to the driver free of charge, and for that purpose section 32(5)(a) and (b) shall apply *mutatis mutandis*.
- (4) The cost of an examination referred to in subsection (2)(c), shall be at the expense of the State.
- (5) If a person fails to comply with a request in terms of subsection (2), the Minister may forthwith suspend or cancel, as the case may be, the licence concerned unless such person is able to satisfy the Minister within a period determined by the minister that such failure was due to a

reason beyond his control and that such licence should not be so suspended or cancelled.

(6) The suspension or cancellation of a licence in terms of this section shall apply to any other learner's or driver's licence held by the holder of such suspended or cancelled licence as the Minister may determine.

(7) When a licence is cancelled or suspended in terms of subsection (1) or is cancelled in terms of subsection (3)(a), the holder thereof shall forthwith submit the licence to the Minister or an inspector of licences authorised thereto by the Minister and where the licence has been suspended, the Minister or inspector of licences, as the case may be, shall retain the licence until the period of suspension expires.

(8) The Minister may, where he deems it expedient and upon such conditions as the minister may determine, reinstate a licence suspended in terms of this section in the prescribed manner.

(9) The Minister may, where he deems it expedient and upon such conditions as he may determine, authorise a person whose licence has been cancelled in terms of this section to apply for a learner's and a driver's licence.

(10) A person whose licence has been cancelled in terms of this Act or the repealed Act shall be deemed to be unlicensed, and a person whose licence as aforesaid has been suspended in terms of this Act or the repealed Act shall, during the period of such suspension, be deemed to be unlicensed.

***Void of learner's licence or driver's licence issued contrary to the provisions of this Act***

37. A learner's licence or driver's licence issued contrary to the provisions of this Act shall be void, and the holder of such licence shall, upon the request of the Minister or the authority which issued such licence or a traffic officer, as the case may be, forthwith submit it to the Minister or such authority or officer, as the case may be, who shall cancel the licence, but subject thereto that -

- (a) a traffic officer may cancel such licence only with the prior approval of the Minister;  
and
- (b) the said authority or traffic officer, as the case may be, shall forthwith notify the Minister of the cancellation.

***Use of learner's or driver's licence by another person prohibited***

38. A person who is the holder of a learner's or driver's licence shall not allow such licence to be used by any other person.

***Permitting or assisting unlicensed driver to drive motor vehicle***

39. A person who is the owner or operator or is in charge or control of a motor vehicle shall not employ or permit any other person to drive such vehicle on a public road unless such other person is licensed under this Act to drive such vehicle.

***Professional driver's permit***

40. (1) A person shall not drive a motor vehicle of a prescribed class on a public road unless he is the holder of a valid professional driving permit entitling him to drive that class of motor vehicle and he keeps such permit with him on the motor vehicle concerned.

(2) No person who is the owner, operator or is in charge or control of a motor vehicle of a prescribed class shall employ or permit any other person to drive that class of motor vehicle on a public road, unless such other person is the holder of a valid professional driver's permit entitling him to drive that class of motor vehicle.

(3) The categories of nature and extent of the authority granted by period of validity of form and content of application for and issue of fees payable in respect of suspension and cancellation of incorporation in any other document of; and other necessary or expedient matter in relation to professional driver's permits, shall be as prescribed.

***Production of licence to court***

41. (1) If a person is charged with an offence under this Act relating to the driving of a motor vehicle or failure to stop after an accident or report an accident, or appeals against a conviction on such charge or any sentence imposed or order made pursuant to such conviction, he shall produce every licence of which he is the holder or a duplicate, if he is not in possession of the original, to the court at the time of the hearing of the charge or appeal, as the case may be.

(2) A person who pays an admission of guilt fine relating to an offence under this Act, shall upon payment of such fine, produce his licence or a duplicate to the person to whom he is paying such fine.

(3) A person referred to in subsection (1) or (2), shall produce every licence, of which he is the holder, in terms of that subsection.

(4) For the purposes of -

(a) sections 41 to 44, inclusive, "licence" means a learner's or driver's licence or a professional driver's permit;

(b) in this section, "duplicate" means a duplicate of a licence issued under section 114.

***Suspension of licence upon conviction of certain offences***

42. (1) The licence of person convicted by a court of an offence referred to in part ix shall, in the case of -

(i) a first offence, be suspended for a period of at least three months;

(ii) a second offence, be suspended for a period of at least one year;

(iii) a third or subsequent offence, be suspended for a period of at least five years, calculated from the date of sentence.

(2) A person who is not the holder of a licence shall, on conviction of an offence be disqualified from obtaining a learner's or driver's licence for the relevant period referred to in paragraph (i), (ii) or (iii) of subsection (1) calculated from the date of sentence.

***Court may issue order for endorsement, suspension or cancellation of licence or disqualify person from obtaining licence***

43. (1) A court convicting a person of an offence under this Act, or of an offence at common law, relating to the driving of a motor vehicle or a failure to stop or report an accident, may, in addition to imposing a sentence, issue an order, if the person convicted is -

- (a) the holder of a licence, that particulars of the conviction, sentence and any other order of the court consequent thereon be endorsed on such licence, and the registrar or clerk of such court concerned shall endorse such licence accordingly;
- (b) the holder of a licence, that such licence be suspended for such period as the court may consider appropriate or that such licence be cancelled, and any such order shall be endorsed on such licence as provided for in paragraph (a);
- (c) not the holder of a licence, declare him to be disqualified from obtaining a licence, either indefinitely or for such period as the court may consider appropriate;
- (d) the holder of a licence, that such licence be cancelled and that the person convicted be disqualified from obtaining a licence for any class of motor vehicle for such period of time as the court may consider appropriate.

(2) The making of any endorsement in terms of subsection (1) may be postponed by the court issuing the order until an appeal against the conviction or sentence or both has been disposed of.

***Procedure subsequent to endorsement, suspension or cancellation of licence or permit***

44. (1) If a court has issued an order that a licence be endorsed, suspended or cancelled, the registrar or clerk of such court shall advise the office where record of such licence is kept, of the conviction and sentence of the person concerned.

(2) Where the court has issued an order that a licence be cancelled, the registrar or clerk of such court shall transmit such licence to the office referred to in subsection (1) and that office shall notify the Minister of such cancellation.

(3) A licence which has been suspended as a result of an order of court shall, after it has been endorsed accordingly by the registrar or clerk of the court concerned, be returned to the person entitled thereto after the period of suspension has expired.

(4) Whenever a licence is endorsed, suspended or cancelled in terms of an order of court, the endorsement, suspension or cancellation shall apply to every other licence held by the person concerned, and every such other licence shall be endorsed accordingly by the registrar or clerk of such court and thereafter returned to the person entitled thereto, but subject that if such other licence -

- (a) is suspended, that licence shall be kept by the registrar or clerk of the court until the period of suspension has expired; or
- (b) is cancelled, that licence shall be transmitted by the registrar or clerk of the court to the office referred to in subsection (1) and that office shall notify the Minister of such cancellation.

***Lapsing of endorsement on licence, reinstatement of suspended licence and authority to apply for licence***

45. (1) An endorsement pursuant to any order of a court effected upon a licence authorising the driving of a motor vehicle under this Act, shall lapse after the expiry of a period of three years from the date on which such endorsement was made, if during such period no further endorsement has been made on that licence and no other period of suspension of such licence shall be included in the calculation of the period of three years.

(2) Where, in relation to a driver's licence, all endorsements have lapsed in terms of subsection (1), a driver's licence free from any endorsements may upon application by the holder thereof in the prescribed manner and upon payment of the prescribed fee be issued to such holder.

(3) Notwithstanding subsections (1) and (2), a court may, on good cause shown and subject to such conditions as it may deem fit -

(a) reinstate a licence suspended by the court; or

(b) authorise a person whose driver's licence was cancelled by it, or whom it declared to be disqualified from obtaining a driver's licence, to apply for and obtain a learner's and driver's licence in accordance with the provisions of this Act.

(4) An application for the reinstatement of a driver's licence, or authority to apply for and obtain a driver's licence shall be made in the prescribed manner and shall be accompanied by the prescribed fee.

***Instructor to obtain a certificate***

46. (1) A person shall not act as an instructor unless that person holds an instructor's certificate issued to him by the Minister.

(2) A person shall not employ, or make use of the services of, any other person as an instructor unless such other person is the holder of an instructor's certificate.

(3) The manner in which an application for an instructor's certificate shall be made, the fees which shall accompany such application, the manner in which such certificate shall be issued, the conditions applicable to, and fees payable for issuing, such certificate, shall be as prescribed.

(4) The Minister may, in the prescribed manner, suspend for such period as the minister may deem fit, or cancel, the certificate of an instructor who fails to comply with the conditions applicable to an instructor in terms of this section.

***Registration of driving school***

47. (1) A person shall not, from a date determined by the Minister by notice in the Gazette, operate a driving school unless such driving school is registered in terms of this Act.

(2) (i) A person desiring to register a driving school shall apply in person to the Minister in the manner prescribed and such application shall be accompanied by the appropriate fee.

(ii) Prior to registering, a motor vehicle to be used at a driving school the motor vehicle must obtain a roadworthy certificate from a testing station and thereafter within every subsequent six months (6).

(3) The documents required for, the form thereof and the information relating to an application referred to in subsection (2) and the information to be furnished in such documents for such driving school, procedure for the issue of a registration certificate for a driving school, including the fee for such issue and the period of validity of a registration certificate shall be as prescribed.

(4) The Minister shall, when satisfied that the driving school referred to in subsection (2) complies with the prescribed requirements, register the driving school in the manner prescribed.

(5) A person referred to in subsection (2) shall on the change of any of the information submitted there under notify the Minister in the manner prescribed of such change.

**PART V  
FITNESS OF VEHICLES**

***Minister may appoint testing station and an agent***

48. (1) The Minister may appoint a juristic person or department of State as a testing station and such testing station shall be registered and graded in the prescribed manner upon compliance with the prescribed requirements.

(2) Where the Minister has appointed a testing station in terms of subsection (1), that testing station may perform the function assigned to it by the Minister.

(3) The Minister may appoint an agent to investigate and authorise the registration of all imported second hand vehicle to establish their history and value, and the availability of their spare parts.

(4) For the purpose of subsection (3) an imported second hand vehicle for use as public transport to convey passengers shall not be older than five years at the date of purchase.

***Suspension or cancellation of registration of testing station***

49. The Minister, may if in his opinion a testing station no longer complies with the requirements referred to in section 48, suspend, for such period as the minister my consider appropriate, or cancel the registration of that testing station in the prescribed manner.

***Roadworthy certificate required in respect of motor vehicle***

50. (1) A person shall not, operate a motor vehicle on a public road if such motor vehicle is not in a roadworthy condition.

(2) A person shall not, operate a motor vehicle of a prescribed class on a public road unless there is in force in respect of such vehicle a roadworthy certificate attesting to its fitness, and except in accordance with the conditions of such certificate.

(3) Subject to the provisions of this Part -

- (a) the classes in which motor vehicles are classified for the purposes of prescribing the requirements relating to roadworthiness and the requirements for roadworthiness certification applicable to each class of motor vehicle;
- (b) the categories of roadworthy certificates;
- (c) the period of validity of such certificates;
- (d) the examination of motor vehicles;
- (e) the application for such roadworthy certificates;
- (f) requirements for the issue or renewal of roadworthy certificates;
- (g) the manner in which such certificates shall be issued or renewed;

- (h) the suspension or cancellation of such certificates;
- (i) the fees in relation to the application for, issue or renewal of such roadworthy certificates;
- (j) any other matter regarding roadworthy certificates which the Minister may consider necessary or expedient,

shall be as prescribed.

(4) A valid certificate of fitness or roadworthiness issued under the repealed Act shall, in accordance with the conditions thereof but subject to the provisions of this Act, be deemed to be a roadworthy certificate for the purposes of subsection (2).

(5) Any document issued by a competent authority in any prescribed territory and serving a similar purpose to that of a roadworthy certificate shall, in accordance with the conditions thereof but subject to the provisions of this Act, be deemed to be a roadworthy certificate for the purposes of subsection (2).

**PART VI**  
**ROAD TRAFFIC SIGNS, GENERAL SPEED LIMIT**  
**AND PARKING METERS**

***Minister may prescribe road traffic signs***

51. (1) The Minister may, subject to the provisions of this Act and for the purpose of prohibiting, limiting regulating or controlling traffic in general or any particular class of traffic on a public road or a section of such a road or for the purpose of designating a public road or section thereof as a public road of a particular class, prescribe such signs, signals, markings or other devices (to be known as road traffic signs), as he may deem expedient, as well as their significance and the conditions and circumstances under which such road traffic signs may be displayed on a public road.

(2) The Minister may, subject to such conditions as he may deem expedient, authorise a person or body to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability of such sign, signal or device as a road traffic sign.

***Authority to display road traffic sign***

52. (1) The Minister responsible for construction and maintenance of roads, or any person authorised thereto by the minister may in respect of a public road cause or permit to be displayed in the prescribed manner such road traffic signs as he may deem expedient.

(2) The minister responsible for the construction and maintenance of roads, or any person authorised thereto by him either generally or specifically may, in respect of a public road not situated within a local authority area, cause or permit to be displayed in the prescribed manner such road traffic signs as he may deem expedient.

(3) A local authority, or a person authorised thereto by it in writing, either generally or specifically, may in respect of a public road within its local authority area, display or cause to be displayed in the prescribed manner such road traffic signs as such authority or person may deem expedient.

(4) In the circumstances and subject to such conditions as may be determined by the Minister responsible for construction and maintenance of roads, scholars and students may be organised into patrols (to be known as scholars' patrols) for the purpose of displaying, in the prescribed manner, an appropriate road traffic sign so as to ensure the safety of scholars and students crossing a public road.

(5) The Minister responsible for construction and maintenance of roads may authorise any association or club to display such road traffic signs, subject to such conditions as the minister may deem expedient, on any public road referred to in subsection (2) or (3), and any such association or club may thereupon, in the prescribed manner, display a badge or other token of the association or club in conjunction with any such road traffic sign.

(6) Any road traffic sign displayed, at the commencement of this Act, in terms of the repealed Act and which complies with a road traffic sign referred to in section 51, shall be deemed to be displayed in terms of this Part.

(7) A person shall not display a road traffic sign on a public road unless that person is authorised thereto in terms of this Act.

(8) The Minister responsible for construction and maintenance of roads or, within a local authority area, the local authority concerned, may by notice in writing direct the owner or occupier of land on which any road traffic sign or other object resembling a road traffic sign is displayed, or on which any object is displayed which obscures or interferes with the effectiveness of a road traffic sign, to remove such sign or object within a period stated in the notice, and if the owner or occupier concerned fails to comply with such notice, the Minister responsible for construction and maintenance of roads or local authority, as the case may be, may cause such sign or other object to be removed.

(9) A person shall not damage a road traffic sign, or any other sign, signal, marking or other device displayed in terms of this Act, or without proper authority remove it or alter the position thereof or the inscription, lettering, colour or design thereof or thereon.

***Failure to obey road traffic signs***

53. (1) Subject to subsection (3), A person shall, comply with all direction conveyed by a road traffic sign displayed on the roads, unless otherwise directed by a traffic officer or traffic warden.

(2) In any prosecution for a contravention of or a failure to comply with subsection (1), it shall be presumed, until the contrary is proved, that the road traffic sign concerned was displayed by the proper authority pursuant to the powers granted by this Act and in accordance with the provisions of this Act.

(3) The driver of a fire-fighting vehicle, rescue vehicle or an ambulance, who drives such vehicle in the performance of his duties, a traffic officer who drives a vehicle in the performance of his duties, or any person who drives a vehicle while engaged in civil defence, may disregard the directions of a road traffic sign which is displayed in the prescribed manner, but subject thereto that

- (a) such driver shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of a fire-fighting vehicle, a rescue vehicle, an ambulance or a vehicle driven by a person while that person is engaged in civil defence, such vehicle shall be fitted with a device capable of emitting a prescribed sound and with an identification lamp, and such device shall be constantly sounded and such lamp shall be in operation



while the vehicle is driven in disregard of the road traffic sign.

***Speed limit***

54. (1) The general speed limit -

- (a) in respect of every public road or section thereof, other than a freeway, situated within an urban area;
  - (b) in respect of every public road or section thereof, other than a freeway, situated outside an urban area;
  - (c) in respect of every freeway,
- shall be as prescribed.

(2) An appropriate road traffic sign may be displayed in terms of section 52 on any public road indicating a speed limit other than the general speed limit which in terms of subsection (1) applies in respect of that road and that other speed limit shall not be higher than the speed limit prescribed in terms of subsection (1)(c).

(3) The Minister may in respect of any particular class of vehicle prescribe a speed limit which is lower or higher than the general speed limit prescribed in terms of subsection (1)(b) or (c) and that speed limit so prescribed shall not supersede a lower speed limit indicated in terms of subsection (2) by an appropriate road traffic sign.

(4) No person shall drive a vehicle on a public road at a speed in excess of -

- (a) the general speed limit which in terms of subsection (1) applies in respect of that road.
- (b) the speed limit indicated in terms of subsection (2) by an appropriate road traffic sign in respect of that road;
- (c) the speed limit prescribed by the Minister in terms of subsection (3) in respect of the class of vehicle concerned.

***Certain drivers may exceed general speed limit***

55. Notwithstanding section 54, a driver of a fire-fighting vehicle, a rescue vehicle, an ambulance or a traffic officer who drives such a vehicle in the performance of his duties, while engaged in civil defence, may exceed the applicable general speed limit, but subject thereto that -

- (a) he shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of vehicles driven in terms of paragraph (a) such vehicle shall be fitted with a device capable of emitting a prescribed sound and with an identification lamp, and such device shall be constantly sounded and such lamp shall be in operation while the vehicle is driven in excess of the applicable general speed limit.

***Power of local authority to collect parking fees***

56. (1) A local authority may, by resolution, charge fees in respect of the parking of vehicles on any public road or section thereof within its local authority area.

(2) The fees referred to in subsection (1) may differ in respect of different public roads or different sections of the same public road.

(3) If a parking meter is installed for the purpose of collecting fees referred to in subsection (1), it shall be installed in conjunction with a demarcated parking bay or bays and shall bear thereon a legend indicating the days and hours when payment shall be made for parking and the amount payable for a specific period of parking.

(4) A local authority may establish upon a public road within its local authority area, ranks or stands (to be known as special parking places) for the parking of passenger-carrying motor vehicles or any class of such vehicles.

(5) If a method than a parking meter is used to collect the fees referred to in subsection (1), provision shall be made for a sign to be displayed at the parking area concerned indicating the days and hours when payment shall be made for parking, the amount payable for a specific period of parking and the manner of payment.

(6) The period of time for which a vehicle may be lawfully parked in a parking bay referred to in subsection (3), shall, unless the contrary is proved, be as measured by the parking meter for such bay.

(7) If any method other than a parking meter is used to collect the fees referred to in subsection (1), the period of time for which a vehicle may be lawfully parked in a parking area referred to in subsection (5), shall, unless the contrary is proved, be as measured by means of the method concerned in respect of the vehicle concerned.

(8) All fees collected by a local authority by means of a parking meter, or in respect of a parking area or special parking place as contemplated in this section, shall, except with the written approval of the Minister, be used only to defray the cost of, and incidental to any, scheme, work or undertaking for the improvement or regulation of traffic conditions within the local authority area, including the cost of installing and maintaining such parking meter, parking area or special parking place.

(9) The exercise by a local authority of its powers under this section shall not render that local authority subject to any liability in respect of the loss of or damage to any vehicle or the contents of fittings of any such vehicle while such vehicle is in a parking bay, parking area or special parking place.

***Prohibition of erection of certain lamps***

57. Except where the lamps are, in accordance with this Act or any other law, required to be displayed a person shall not, erect, maintain or have in operation on or alongside a public road, any lamps exhibiting the colours red, amber or green within a distance of 15 metres of a traffic signal.

**PART VII  
RULES OF THE ROAD**

***Vehicle to be driven on left side of roadway***

58. (1) A 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 right, but subject thereto 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 roadway 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 subsection (1) shall not apply in the case of a public road which is restricted to traffic moving thereon in one direction only.

***Driving on divided public road***

59. (1) Whenever a 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, a person shall not 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) A person shall not drive a vehicle on, over, across or within any dividing space, barrier line whose length is at least 15m or section referred to in subsection (1), except through an opening in such space, barrier or section or at a cross-over or intersection, but subject thereto that -

- (a) A person shall not so drive through any such opening or at any such cross-over or intersection where such driving is prohibited by an appropriate road traffic sign or by a traffic officer;
- (b) the provisions of this subsection shall not apply to a traffic officer in the performance of his duties.

***Passing of vehicle***

60. (1) 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 move to the left until safely clear of the vehicle so passed, provided that, in the circumstances as aforesaid, passing to the left of such vehicle shall be permissible if the person driving the passing vehicle can do so with safety to himself 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 intention of turning 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;
- (e) he is driving in compliance with the directions of a traffic officer or in traffic which is under the general direction of such officer, and in accordance with such direction:

and 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 the driver's view is so restricted that any such passing could create a hazard in relation to other traffic that might approach from the opposite direction, unless -

- (i) he 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 proviso to subsection (1), upon becoming aware that other traffic proceeding in the same direction intends to pass his vehicle, cause his vehicle to travel as near to the left edge of the roadway as is possible, without endangering himself or other traffic or property on the roadway, and shall not accelerate his 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 does not encroach on the roadway to his right in such manner as may obstruct or endanger such oncoming traffic.

(5) The driver of a vehicle intending to pass a stationary bus or minibus 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 or minibus.

***Driving on shoulder of public road***

61. (1) Subject to subsection (2) and section 60(1)(e), A person shall not drive a motor vehicle on the shoulder of a public road.

(2) Notwithstanding the provisions of subsection (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 designed for one lane of traffic in each direction -

- (a) while such motor vehicle is being overtaken by another vehicle; and
- (b) if he can do so without endangering himself or, other traffic, pedestrians property on such public road; and
- (c) if persons and vehicles upon the public road are clearly discernible at a distance of at least 150 metres.

***Crossing or entering a public road or traffic lane***

62. (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 to cross the road without obstructing or endangering