

any such traffic.

(2) The driver of a vehicle shall not enter a public road unless he can do so with safety to himself 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 the driver can do so without obstructing or endangering other traffic.

Driving signals

63. 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 right, or to move such vehicle to the left or right on the roadway, shall give a conspicuous signal, of his intention, visible to any person approaching him from the front or from the rear or from the side, and of a duration sufficient to warn any such person of his intention.

Right of way at certain road junctions

64. The driver of a vehicle on a public road shall, when he 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 right within such junction, unless his 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 to act differently.

Procedure when turning

65. (1) The driver of a vehicle on a public road who desires to turn to the left shall, having due regard to section 64, before reaching the point at which he intends to turn, indicate, in the prescribed manner, his intention to turn and shall steer his vehicle as near to the left edge of the roadway on which he 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 section 64, before reaching the point at which he desires to turn, indicate, his intention to turn and shall not effect such turning unless he can do so without obstructing or endangering other traffic and -

- (a) if he is driving a vehicle on the roadway of a public road which roadway is intended for traffic in both directions -
 - (i) he shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he is travelling; and
 - (ii) where the turn is at an intersection, he shall not encroach on the right half of the roadway into or out of which he or 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 is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in only one direction -

- (i) he shall steer such vehicle as near as circumstances may permit to the right edge of such roadway; and
- (ii) where the turn is at an intersection the driver shall not encroach on the right half of the roadway into which he 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, but subject thereto that where such turn is to be made into a roadway intended for traffic in only one direction, he may encroach on the right half of that roadway.

Towing of vehicles

66. A person shall not operate a vehicle on a public road while towing or drawing another vehicle, otherwise than in accordance with the manner prescribed for the towing or drawing of any vehicle by another vehicle on a public road.

Stopping of vehicles

67. (1) A person shall not stop a vehicle on the roadway of a public road 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;

(2) A person shall not 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 a tunnel or subway or on any bridge or within six metres of a tunnel, subway or bridge;
- (c) on or within six metres of 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 a 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 approaching side of a pedestrian crossing demarcated by appropriate road traffic signs.
- (i) within four metres of an intersection;
- (j) at a bend in the road;
- (k) within 180 metres of the summit of a blind rise;
- (l) in any other place where the stopping of a vehicle would be likely to constitute a danger or an obstruction to other traffic.

Parking of vehicles

68. (1) A person shall not park a vehicle on a public road -

- (a) in contravention of any road traffic sign;
- (b) in any place specified in section 67;
- (c) on the same side as a fire hydrant within an area one and a half metres on either side of the hydrant, if such hydrant is clearly visible to and recognisable 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 a road traffic sign;
- (e) in such manner as to encroach upon the sidewalk, if any;
- (f) in such manner as to obstruct any private or public vehicular entrance to such road.

(2) A person shall not park a vehicle on any portion of the roadway or 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, but subject thereto that where it is impossible or dangerous to move the vehicle completely off that roadway, it shall be moved as far as possible off such roadway.

(3) A person shall not park a vehicle within an urban area on the roadway of a public road -

- (a) within nine metres of the side from which he 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 robot
- (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 right-hand 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;

- (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.

(4) A person shall not park a motor vehicle on a traffic island or sidewalk or in a pedestrian mall or pedestrian lane.

(5) Whenever a vehicle has been parked in contravention of any provision of this Act or any regulation made under section 103, or in contravention of or in disregard of the directions of any road traffic sign or notice board, 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 the theft

thereof, the owner shall bear the costs of such removal and impoundment.

Certain drivers may stop or park certain motor vehicles in any place where necessary

69. (1) Notwithstanding the provisions 67 and 68, the driver of a rescue vehicles, fire-fighting 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, a person who drives a vehicle while he is engaged in civil defence 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.

(2) A vehicle stopped or parked in terms of subsection (1) shall, while such vehicle is so stopped or parked, display the prescribed identification lamps or marks or both such lamps and marks.

Compulsory stops

70. The driver of a vehicle on a public road shall stop such vehicle -

- (a) in compliance with a 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 animal, on such road.
- (c) When the traffic light is red.

General duties of driver or passenger of vehicle on public road

71. (1) A driver driving or having a vehicle on a public road shall not -

- (a) cause such vehicle to travel backwards unless it can be done in safety or cause it to run backwards for a distance greater or time longer than may be necessary for the safety or reasonable convenience of any occupant of such vehicle or of other traffic on such road;
- (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;
- (c) permit a person, animal or object to occupy a 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 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 does not have complete control over such vehicle or does not have full view of the roadway and the traffic ahead of such vehicle;
- (f) allow such vehicle to remain unattended on a road without so 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 the drive, the vehicle from that position unless he is able to do so without interfering with moving traffic approaching from any direction and with safety to himself and others;
- (h) fail to give an immediate and absolute right of way to a vehicle sounding a device in terms of section 53(3) or 55;
- (i) allow a portion of his body to protrude beyond such vehicle while it is in motion on such road except for the purpose of giving a hand signal which he is required or authorised to give in terms of this Act or unless he is engaged in examining or testing or parking such vehicle;
- (j) permit a 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 run in an efficient manner;
- (l) cause or allow the engine thereof to run while such motor vehicle is stationary and unattended;
- (m) deposit or cause or permit to be deposited petrol or other liquid fuel or oil or grease or other flammable or offensive matter, ashes or other refuse of whatever nature from such vehicle upon or alongside such road;
- (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 inflammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced.
- (o) use a mobile phone or any other communication device, unless is affixed to a hands free gadget.

(2) A person, other than the driver, shall not 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) A passenger in a vehicle on a public road shall not permit any part of his or her body to protrude beyond such vehicle.

(4) A person shall not enter or alight from a vehicle on a public road unless such vehicle is stationary and unless he can do so with safety to himself and other users of the road.

(5) A person shall not drive, pull or push a vehicle upon a sidewalk, provided that the provisions of this subsection shall not apply to a perambulator, baby cart, child's play vehicle, chair for disabled or physically handicapped persons, or any other vehicle designed to be operated by an invalid or person of old age.

Duties relating to a motor cycle, motor tricycle or motor quadrucycle

72. (1) A person shall not drive a motor cycle, motor tricycle or motor quadrucycle on a public road unless - his feet are resting on the front foot-rests suitable for the purpose where the design of such motor cycle, motor tricycle or motor quadrucycle makes it possible to do so, he is seated astride on the saddle of such motor cycle, motor tricycle or motor quadrucycle.

(2) A person shall not carry a passenger on a motor cycle on a public road 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, his feet are resting on foot-rests suitable for the purpose.

(3) 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 sidecar attached to a motor cycle on a public road.

(5) A person, animal or object shall not be carried on a motor cycle, motor tricycle or motor quadrucycle on a public road in front of the driver thereof and an object of a non bulky nature may be so carried if securely attached thereto 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 him from exercising complete control over such motor cycle, motor tricycle or motor quadrucycle.

(6) Persons, other than traffic officers in the execution of their duties, driving motor cycles, motor tricycles or motor quadrucycles on a public road, shall drive in single file except in the course of overtaking another motor cycle, motor tricycle or motor quadrucycle and two or more persons driving motor cycles, motor tricycles or motor quadrucycles shall not overtake another vehicle at the same time, but subject thereto 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.

(7) A person driving a motor cycle, motor tricycle or motor quadrucycle shall not take hold of any other vehicle in motion on a public road.

(8) A person driving a motor cycle, motor tricycle or motor quadrucycle on a public road shall do so with at least one hand on the handle-bars of such motor cycle, motor tricycle or motor quadrucycle.

(9) A 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.

Vehicle causing excessive noise, smoke or fumes

73. (1) A person shall not operate a vehicle on a public road if the vehicle causes excessive noise, either directly or indirectly, as a result of -

- (a) a defect in the vehicle, including a defect in design or construction, lack of repair to, or faulty adjustment of the vehicle or a part of or accessory to it;
- (b) the faulty packing, loading or adjustment of the load of the vehicle;
- (c) the use, except the use of a sounding device in accordance with section 53(3) or 55, of a fitting or device which produces excessive noise; or
- (d) the use of a radio/musical sound system beyond ninety two (92) decibels;
- (e) installation of loud and unoriginal hooter; or
- (f) any act or omission by such person.

(2) A person shall not operate a motor vehicle on a public road the engine of which emits excessive smoke or fumes.

(3) In a prosecution under subsection (1) or (2) it shall be a good defence if the person charged proves, to the satisfaction of the court, that the noise, smoke or fumes in respect of which he is charged, was due to some recent accidental cause and could not have been prevented by the exercise of due care and diligence on his part.

Use of hooter

74. A person shall not use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this Act or on the grounds of safety.

Riding of pedal cycles

75. (1) A person shall not ride a pedal cycle on a public road in such a manner that he does not exercise complete control over such 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) A person riding or seated on a pedal cycle on a public road shall not take hold of any other vehicle in motion.

(4) A person riding a pedal cycle on a public road shall not deliberately cause such pedal cycle to swerve from side to side.

(5) A person riding a pedal cycle on a public road shall not carry thereon any person, animal or object which obstructs his view or which prevents him 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, a person shall not 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.

Device running on rails

76. (1) Whenever rails laid across any public road are used for the purposes of any locomotive or other device running on rails, whether drawn or propelled, a person driving or in charge of such locomotive or device shall not cause or allow such locomotive to cross public road unless he has given sufficient warning, to users of such road roadway of the intention to drive, draw or propel the locomotive or device across such road.

(2) A person driving or in charge of a locomotive or device referred to in subsection (1), shall not cause or allow it to be stopped on a public road in such a manner as to obstruct or hinder traffic on such road.

Animal on public road

77. (1) A person shall not leave or allow an animal to be on a section of a public road and/or leave such animal in a place from where it may stray onto a public road.

(2) The provisions of subsection (1) shall not apply to -

- (a) an animal which is ridden or is used to draw a vehicle along a public road;
- (b) an animal which is 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;
- (c) an animal, on a public outspan, in the possession of a traveller who has out spanned there for a period not greater than 24 hours, or during which he may be detained there by stress of weather or other unforeseen circumstances.

(3) In any prosecution for a contravention of subsection (1), it shall be presumed, until the contrary is proved, that an animal referred to in subsection (1) was left or allowed to be on the section of the public road or place concerned by the owner of such animal, whether the road was or not fenced.

(4) A person shall not drive an animal along a public road during the period from sunset to sunrise, unless a person carrying a white or red light visible in clear weather for a distance of at least 150 metres tends such an animal or, on 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 person carrying a light as aforesaid follows such animals; or long a public road during any other period, unless a person displaying in a conspicuous manner a red cloth, not smaller 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 person displaying a cloth as aforesaid follows animals.

(5) A person in charge of an animal shall tend it in such a manner as not to constitute an obstruction or danger to other traffic on a public road.

(6) A traffic officer may take charge of or dispose of an animal referred to in subsection (1) on a public road or in the event the owner claims repossession of such animal(s), he shall fulfil the set conditions.

(7) In the event an accident has occurred because of the stray animal, the owner of that animal(s) shall be held liable for causing the accident.

Animal-drawn vehicles

78. (1) A person shall not 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 in height, but subject thereto that nothing herein shall apply to a vehicle used solely for the conveyance of persons other than for hire or reward.

(2) A person shall not operate an animal-drawn vehicle on a public road unless the vehicle and the harness and other equipment thereof are in a working and safe condition and do not cause pain to the animals.

(3) A person shall not operate an animal-drawn vehicle on a public road unless there is attached to such vehicle the prescribed equipment and warning devices.

(4) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a public road by a person who is not competent whether by reason of his age or otherwise to drive and control such vehicle.

(5) The driver of an animal-drawn vehicle on a public road shall at all times give his undivided attention to the driving of the vehicle under his control, and if the vehicle is stationary 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 no such animal can move from the place where it has been left.

(6) A person shall not 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.

(7) The driver or other person in charge of a vehicle drawn by animals 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 reckoned 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 higher speed, having overtaken such vehicle, is drawing away from it.

Pedestrian's right of way in pedestrian crossing

79. (1) Where a pedestrian crossing is situated in conjunction with a traffic signal, a pedestrian shall not enter crossing except in accordance with the indications of a robot.

(2) In the case of other pedestrian crossing a pedestrian crossing referred to in subsection (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 who crosses 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) A pedestrian shall not 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 to subsection (2).

(4) Whenever a vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of another vehicle approaching from the rear shall not pass such stopped vehicle.

(5) A pedestrian shall only cross the robot when such robot is green for pedestrians.

Duties of pedestrians

80. (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 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 road traffic sign.

(3) A pedestrian shall not cross a public road without satisfying himself that the roadway is sufficiently free of oncoming traffic to permit him to cross such 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 immediately.

(5) A pedestrian on a public road shall not conduct himself in such a manner as to or as is likely to constitute a source of danger to himself or to other traffic which is or may be on such road.

(6) A pedestrian may cross a public road only a pedestrian crossing, or an intersection or at a distance further than 50 metres from such an intersection or pedestrian crossing.

(7) A pedestrian shall not cross a public road within 50 metres of a bridge, which provides safe passage for the pedestrian across the road concerned, except by means of such bridge.

Racing and sports on public roads

81. (1) (a) A person shall not organise or take part in a race or sport on a public road, unless a prior written consent of the Minister has been obtained; or where the race or sport will take place only wholly within a local authority area, a prior written consent of the local authority.

(b) for the purposes of paragraph (a) a public road situated within the area of jurisdiction of a local authority and maintained by the Government shall be deemed to be situated outside the area of jurisdiction of a local authority.

(2) Subject to subsection (3)(d), an application to organise or take part in a race or sport on a public road shall be made at least one month prior to the date on which such race or sport is intended to take place.

(3) In granting consent in terms of subsection (1), the Minister or the local authority -

(a) may in addition to any prescribed requirements, impose such further conditions, the minister or local authority may deem expedient;

(b) may exempt any person concerned with the race or sport for the duration thereof -

(i) from any provision of this Act regarding speed limit or determine another speed limit for the road concerned;

(ii) from any other provision of this Act or from any regulation made under section 103;

(c) may levy fees for defraying the expenses incurred by the Ministry or local authority in connection with the race or sport;

(d) may condone the late submission of an application in terms of subsection (2); if the application is, due to circumstances beyond the control of the applicant.

(4) A consent granted in terms of subsection (1) may at any time be withdrawn.

(5) For the purposes of this section, "race or sport" includes any race, speed trial, reliability trial, hill-climbing competition or sports meeting and any other activity whatsoever which may constitute a source of danger to traffic which may hamper, impede or disrupt the normal flow of traffic, on a public road.

Convoy on public road

82. (1) A person shall not operate a motor vehicle forming part of a convoy of motor vehicles which are being delivered to a motor dealer or other person on a public road -

- (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;
- (b) between the hours of 18h00 on the day immediately preceding Christmas Day, and 06h00 on a day immediately succeeding Family Day to the extent to which such hours do not already fall within a period contemplated in paragraph.

(2) In a prosecution for a contravention of subsection (1), it shall upon proof that the accused operated a motor vehicle forming part of a convoy of motor vehicle, on a public road, be presumed, until the contrary is proved that the motor vehicle concerned was being delivered to a motor dealer or other person.

Hindering or obstructing traffic on public road

83. (1) A person shall not place or cause to be placed a barrier, gate, rope, wire or other obstruction across a public road.

(2) Subsection (1) shall not apply to -

- (a) a traffic officer or a person acting under a power conferred by law, if such an obstruction is clearly marked, and the appropriate warning traffic signs are erected and displayed in the prescribed manner; or
- (b) a person who erects or has erected a gate in accordance with any other law.

(3) A person shall not place or abandon an object on a public road which is capable of causing danger, obstruction or damage to traffic on the road.

(4) Subsection (3) shall not apply in respect of an object placed on a public road by a road authority acting under any other law, if the object is clearly marked or indicated, and the appropriate warning traffic signs are erected and displayed in the prescribed manner.

(5) A person shall not unnecessarily prevent or hinder the free and proper passage of traffic on a public road.

Vehicle left or abandoned on a public road

84. (1) A vehicle standing on a public road in a position or in circumstances which in the opinion of a traffic officer, are likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a safer place by such traffic officer or person or authority instructed by such officer to remove such vehicle, but subject thereto that such traffic officer or person or authority shall, in removing the vehicle, use a device or devices as may be necessary having regard to public safety.

(2) A vehicle -

- (a) parked at a place where -

- (i) the stopping of a vehicle is prohibited in terms of section 67; or
 - (ii) a vehicle of a class to which such vehicle belongs may not be parked in terms of this Act or any regulation made under section 103;
- (b) left for a continuous period of more than -
- (i) 4 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 a testing station, or
- (c) found on a public road and to which -
- (i) no registration mark is affixed or, in the opinion of a traffic officer, a false registration mark is affixed; or
 - (ii) no other mark 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 the 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 -

- (a) in the removal of the vehicle;
- (b) in keeping the vehicle in custody for a period not exceeding four months; and
- (c) in connection with the endeavour to trace him,

and the authority may, subject to subsection (3), retain possession of such vehicle until the expenses have been paid.

(3) Notwithstanding subsection (2), if the wreck of any vehicle is found on a public road in such a condition, however caused, that it is of no value, the wreck shall be deemed to have been abandoned by the owner and may summarily be removed to a rubbish dump by or on behalf of the authority having jurisdiction over the place or road concerned.

(4) If -

- (a) the owner of a vehicle referred to in subsection (2) is traced by the authority and fails to recover the vehicle and pay the expenses referred to in subsection (3) within 14 days of being requested to do so; or
- (b) the owner cannot be traced after a lapse of one month from the date of removal referred to in subsection (2).

such vehicle or anything contained therein may be sold in the manner prescribed by any law governing the sale of movable property by an authority and, whenever possible, the authority which registered such vehicle shall be advised of such sale.

(5) The proceeds of a sale referred to in subsection (4) shall be applied firstly to the cost 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 establishing his claim thereto and if no claim can be established within three years of the date of such sale, the balance shall be forfeited to the authority concerned.

(6) If an authority referred to in subsection (2) is unable to sell a vehicle as contemplated in subsection (4), 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.

(7) An authority referred to in subsection (2) may delegate, either generally or specifically, any power conferred upon it in terms of that subsection to any person in its employ.

(8) The reasonable exercise by any person or authority of the powers conferred by this section shall not render such person or authority subject to any liability in respect of the loss or theft of or damage to a vehicle or part thereof or of anything therein or thereon.

(9) Subject to the provisions of any other law, a person shall not leave a vehicle in the same place on a public road for a continuous period of more than seven days.

Damage to public road

85. (1) A person shall not -

- (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 a vehicle moving along the roadway and the surface of such roadway;
- (c) use or draw a sledge on the roadway of a public road, except to cross that roadway in the shortest possible distance or to negotiate a bridge or causeway where the bridge or causeway cannot be by-passed;
- (d) cause damage to a bridge or drain or any other part of a road;
- (e) make an excavation in or remove sand, gravel or other material from a public road, except in the course of his employment by or with the approval of the road authority concerned; or
- (f) use a vehicle or object or move a vehicle or object on the roadway in a manner causing or likely to cause damage thereto on a public road.

(2) A person shall not damage, or without proper authority remove any -

- (a) part of the road or road structure;
- (b) bridge or part thereof;
- (c) road traffic sign, other sign, signal or marking; or
- (d) other item of road side furniture.

(3) A person who contravenes subsection (2) shall, in addition to any fine or other penalty which may be imposed under this Act, be liable to the authority having jurisdiction over the road concerned, for the prescribed amount of the item concerned.

(4) In a prosecution under subsection (1)(f) it shall be a good defence if the person charged proves that the damage done was essential in order to extricate or safeguard a vehicle, and was repaired to the satisfaction of the road authority concerned.

Trading on a public road

86. (1) A person shall, not, sell or keep, display or offer for sale, goods outside an urban area at a place other than on or in licensed premises, such place being -

- (a) within the reserve of a public road where such reserve is fenced in or demarcated; or
- (b) if that reserve is not fenced in or demarcated, within 25 metres of the centreline of the roadway of a main road or trunk road as respectively defined in section 2 of the Roads and Outspans Act, No. 40 of 1931; or
- (c) within 180 metres of an intersection, a blind corner or rise or a railway level crossing in a road referred to in paragraph (b).

(2) A person shall not, display or offer for sale goods on a public road within 10 metres of an intersection in an urban area other than on or in licensed premises.

Special provisions relating to freeways

87. (1) A person shall not operate a vehicle drawn by an animal, a pedal cycle, 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", a motor tricycle or motor quadracycle, a vehicle with a tare not exceeding 230 kilograms and specially designed, constructed or adapted for the use of a person suffering from a physical defect or disability a tractor on a freeway.

(2) A person shall not -

- (a) be on a freeway on foot except within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign a cause beyond his control.
- (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 in compliance with a road traffic sign or a direction given by a traffic officer within an area reserved for the stopping or parking of vehicles by an appropriate road traffic sign for a cause beyond his control;
- (d) give a hand signal when driving a motor vehicle on a freeway except for a cause beyond his control.

(3) In a prosecution for the contravention of subsection (2)(b), it shall be presumed, until the contrary is proved, that an animal was left or allowed on the freeway or place concerned by the owner of such animal.

(4) The provisions of -

- (a) subsection (1) shall not apply to a person who operates a tractor in connection with the construction or maintenance of a freeway;
- (b) subsection (2)(a) shall not apply to
 - (i) a traffic officer while he is engaged in the performance of his duties
 - (ii) a person while he is engaged in rescue or salvage work
 - (iii) a person while he is engaged in the construction or maintenance of a freeway or the rendering of an essential public service
 - (iv) a person while he is engaged in civil defence;
- (c) subsection (2)(c) shall not apply to -
 - (i) the driver of an ambulance, fire-fighting vehicle or breakdown vehicle in the performance of his duties;
 - (ii) a traffic officer or a medical practitioner who drives a vehicle in the performance of his 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;
 - (iv) a person who drives a vehicle while he is engaged in civil defence.

(5) Where the driver of a motor vehicle (hereinafter referred to as the "first vehicle") which is being driven on the right-hand traffic lane or on the traffic lane furthest to the right on a freeway 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 on which he is driving as soon as it is safe to do so, without endangering himself or other traffic or property on the freeway; and shall not accelerate the speed of his vehicle until the second vehicle has passed.

(6) For the purposes of subsection (5), the driver of the second vehicle may make the driver of the first vehicle aware that he intends to overtake the first vehicle by giving the driver thereof a visible signal by means of the flashing of the head lamps of his vehicle.

PART VIII
ACCIDENTS AND ACCIDENT REPORTS

Duty of a driver in event of accident

88. (1) The driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which another person is killed or injured or suffers damage in respect of any property shall -

- (a) immediately stop the vehicle;
- (b) ascertain the nature and extent of the injury sustained by the person;

- (c) if a person is injured, render such assistance to the injured person as he may be capable of rendering;
- (d) ascertain the nature and extent of any damage sustained;
- (e) if required to do so by a person having reasonable grounds for so requiring, give his name and address, the name and address of the owner of the vehicle driven by him and, in the case of a motor vehicle, the registration or similar mark thereof;
- (f) if he has not already furnished the information referred to in paragraph (e) to a traffic officer at the scene of the accident, and unless he is incapable of doing so by reason of injuries sustained by him in the accident, as soon as is reasonably practicable, and in any case within 24 hours after the occurrence of such accident, report the accident to a police officer at a police station or at any office set aside by a competent authority for use by a traffic officer and there produce his driver' licence and furnish such document of identification as prescribed and such information as is required; and
- (g) except on the instructions of or when administered by a medical practitioner in the case of injury or shock, take drugs and the driver of a vehicle shall invite a police officer to inspect such motor vehicle if such motor vehicle is not covered by an accident report certificate.

PART IX

RECKLESS OR NEGLIGENT DRIVING, INCONSIDERATE DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOUR OR A DRUG HAVING A NARCOTIC EFFECT AND MISCELLANEOUS OFFENCES

Reckless or negligent driving

89. (1) A person shall not drive a vehicle on a public road recklessly or negligently.

(2) Without restricting the ordinary meaning of the word "recklessly", a person who drives a vehicle in wilful or wanton disregard for the safety of persons or property shall be deemed to drive that vehicle recklessly.

(3) In considering whether an offence has been committed under subsection (1), the court shall have regard to all the circumstances of the case including, but without prejudice to the generality of the foregoing provisions in this section, the nature, condition and use of the public road upon which the offence is alleged to have been committed, the amount of traffic which existed at the time, or which could reasonably have been expected to be, on that road and the speed at and manner in which the vehicle was driven.

Inconsiderate driving

90. A person shall not drive a vehicle on a public road without reasonable consideration for other persons using that road.

Driving while under the influence of intoxicating liquor or a drug having a narcotic effect, or with excessive amount of alcohol in blood or breath

91. (1) A person shall not drive a vehicle on public road or occupy the driver's seat of a motor vehicle of which the engine is running or not, while under the influence of intoxicating liquor or a

drug having a narcotic effect.

(2) A person shall not drive a vehicle on or occupy the driver's seat of a motor vehicle of which the engine is running or not, while the concentration of alcohol in any specimen of blood taken from any part of his body is 0,05 grams per 100 millilitres or more.

(3) If, in any prosecution for the contravention of subsection (2), it is proved that the concentration of alcohol in a specimen of blood taken from any part of the body of the person concerned was 0.05 grams per 100 millilitres or more at any time within two hours after the alleged offence, it shall be presumed, unless the contrary is proved, that such concentration was 0,05 grams per 100 millilitres or more at the time of the alleged offence.

(4) Where in a prosecution under this Act evidence is tendered of the analysis of a specimen of the blood of a person, it shall be presumed, until the contrary is proved, that a syringe used for obtaining such specimen and the receptacle in which such specimen was placed for despatch to analysts, were free of any substance or contamination which could have affected the result of such analysis.

(5) A person shall not drive a vehicle on a public road or occupy the driver's seat of a motor vehicle of which the engine is running or not while the concentration of alcohol in a specimen of breath exhaled by such person is 0.38 milligrams per 1000 millilitres more.

(6) If, in a prosecution for a contravention of subsection (5), it is proved that the concentration of alcohol in a specimen of breath of the person concerned was 0.38 milligrams per 1000 millilitres or more of breath taken at any time within two hours after the alleged offence, it shall be presumed, until the contrary is proved, that such concentration was 0.38 milligrams per 1000 millilitres or more at the time of the alleged offence.

(7) For the purpose of subsection (5), the concentration of alcohol in a breath specimen shall be ascertained by using the equipment prescribed by the Minister.

(8) A person detained for the contravention of this section shall not during his detention consume any substance that contains alcohol of any nature, except on the instruction of or when administered by a medical practitioner.

(9) A person shall provide a breath or blood specimen, as the case may be where a reasonable suspicion exists that such person is contravening this section and shall not be detained for longer than the time necessary to obtain the specimen.

Accident report certificate

92. (1) After the investigation by a police officer of a report made under section 88 (1) (f) the police officer shall issue to the driver or owner of a motor vehicle involved in accident, a report certificate in the prescribed form.

(2) A person shall not receive a repair a motor vehicle which he knows or reasonably suspects to have been involved in an accident unless such motor vehicle is covered by an accident report certificate issued by a police officer in terms of subsection (1) or unless the person satisfies himself that the motor vehicle has not been involved in accident in which injury to a person or damage to property was caused.

(3) A person to whom a motor vehicle is delivered for repairs shall not in circumstances.

(a) drive a vehicle or

(b) occupy the driver's seat of a motor vehicle of which the engine is running, while under the influence of intoxicating liquor or a drug having a narcotic effect.

(4) A person shall not drive a vehicle: or occupy the driver's seat of a motor vehicle of which the engine is running, while the concentration of alcohol in any specimen of breath exhaled by such person is 0,38 milligrams per 1 000 millilitres or more, or in the case of the holder of a professional driving permit, is 0,10 milligrams per 1 000 millilitres or more.

(5) If, in any prosecution for the contravention of subsection (5), it is proved that the concentration of alcohol in a specimen of breath of the person concerned was 0,38 milligrams per 1 000 millilitres or more, in the case of the holder of a professional driving permit, was 0,10 milligrams per 1 000 millilitres or more, of breath taken at any time within two hours after the alleged offence, it shall be presumed, until the contrary is proved, that such concentration was 0,38 milligrams per 1 000 millilitres or more, or in the case of the holder of a professional driving permit, was 0,10 grams per 1 000 millilitres or more, at the time of the alleged offence.

(6) For the purposes of subsection (5), the concentration of alcohol in any breath specimen shall be ascertained by using the equipment prescribed by the Minister.

(7) A person detained for a contravention of this section shall not during his detention consume any substance that contains alcohol of any nature, except on the instruction of or when administered by a medical practitioner.

(8) A person shall provide a breath or blood specimen, as the case may be, where a reasonable suspicion exists that such person is contravening this section.

Unauthorised acts in relation to a vehicle

93. (1) A person shall not, without reasonable cause or without the consent of the owner, of a vehicle -

- (a) set the machinery thereof in motion
- (b) place such vehicle in gear;
- (c) in any way tamper with the machinery, accessories or parts of such vehicle;
- (d) enter or climb upon such vehicle.

(2) A person shall not ride in or drive a vehicle without the consent of the owner, operator or person in lawful charge thereof.

(3) A person shall not without lawful excuse tamper with a vehicle or with any part of the equipment or the accessories of a vehicle or damage it, or throw any object at a vehicle.

(4) A person shall not without the written consent of a registering authority alter, obliterate or mutilate the engine number or chassis number of a motor vehicle or allow it to be altered, obliterated or mutilated.

Misuse of Government vehicles

94. (1) In this section "proper officer" means

- (a) in relation to a Government Ministry, Department or Division thereof, the Principal Secretary, or in relation to the Prime Minister's Office, the Secretary to Cabinet,

- (b) in relation to the Umbutfo Swaziland Defence Force, the Commander
- (c) in relation to the Royal Swaziland Police Force, the Commissioner of Police;
- (d) in relation to the Prisons Department, the Commissioner of Prisons;
- (e) any person to whom authority is delegated in writing by a proper officer.

(2) A person shall not:-

- (a) drive a Government vehicle;
- (b) drive a Government vehicle without possessing of an official authority to drive a Government vehicle issued in terms of this Act;
- (c) procure the use or hire of a Government vehicle;
- (d) load or carry goods or passengers in a Government vehicle;
- (e) deviate a Government vehicle from its authorised route;
- (f) use a Government vehicle after working hours on any day or on a Saturday, Sunday or public holiday; or
- (g) use a Government vehicle for any purpose other than that authorised without the written authority of a proper officer.

(3) A proper officer shall not authorise the use of a Government vehicle contrary to the provisions of this Act.

(4) Where a person is convicted of an offence under subsection (2)(e), but without prejudice to any disciplinary action, which may be taken against him, such person shall be liable to pay to the Government the cost of such deviation at the rate applicable to the use of Government vehicles.

(5) Subsection (2) shall not apply to the use of a Government vehicle belonging to the Umbutfo Swaziland Defence Force, the Royal Swaziland Police Force or the Prisons Department if such use is certified by the respective proper officer to have been in the interest of dealing with an emergency or of the performance of urgent official duties.

Furnishing false information

95. Without derogating from any other provision of this Act, a person shall not -

- (a) in connection with any application under this Act;
 - (b) in connection with the furnishing of any information which, to his knowledge, is to be used or may be used for any purpose under this Act,
- make a declaration or furnish information which to his knowledge is false or in any material respect misleading.

Unlawful acts in relation to a registration mark of certain documents

96. (1) A person shall not:-

- (a) falsify or counterfeit or, with intent to deceive, substitute, alter, deface or mutilate or add anything to a registration mark or a similar mark issued by a competent authority inside or outside Swaziland;
- (b) be in possession of such mark which has been falsified or counterfeited or so substituted, altered, defaced or mutilated or to which anything has been so added.

(2) A person shall not:-

- (a) falsify or counterfeit or, with intent to deceive, substitute, alter, deface or mutilate or add anything to a certificate, licence or other document issued or recognised in terms of the provisions of this Act;
- (b) be in possession of such certificate, licence or other document which has been falsified or counterfeited or substituted, altered, defaced or mutilated or to which anything has been so added.

(3) A person shall not:-

- (a) use a certificate, licence or other document issued or recognised in terms of the provisions of this Act of which he is not the holder;
- (b) permit a certificate, licence or other document of which he is the holder to be used by any other person.

(4) Where in a prosecution for a contravention of subsection (1)(b) or (2)(b) it is proved that a person was found in possession of a registration mark or a similar mark or a document which has been falsified or counterfeited or substituted, altered, defaced or mutilated or to which anything has been added, it shall be *prima facie* evidence that such mark or document was, falsified or counterfeited; or substituted, altered, defaced or mutilated with intent to deceive; whatever was added it shall be *prima facie* evidence that -

- (a) such mark or document was -
 - (i) falsified or counterfeited; or
 - (ii) substituted, altered, defaced or mutilated with intent to deceive;
- (b) whatever was added to such mark or document was added thereto with intent to deceive.

(5) A person shall not -

- (a) with intent to deceive, tamper with the engine or chassis number of a motor vehicle;
- (b) without lawful cause be in possession of a motor vehicle of which the engine or chassis number has been tampered with.

(6) Where in a prosecution for a contravention of subsection (5) it is proved that a person was found in possession of a motor vehicle the engine or chassis number which has been tampered