

with, it shall be *prima facie* evidence that such person knew that such number had been tampered with, with the intent to deceive.

PART X
PRESUMPTIONS AND LEGAL PROCEDURE

Presumption in regard to public road, freeway and public road in an urban area

97. If in a prosecution under this Act -

- (a) it is alleged that an offence was committed on a public road, the road shall, unless the contrary is proved, be presumed to be a public road;
- (b) it is alleged that an offence was committed on a public road in an urban area the road shall be presumed to be a public road in an urban area, unless the contrary is proved.
- (c) it is alleged that an offence was committed on a freeway, the road concerned shall be presumed to be a freeway, unless the contrary is proved.

Presumption in regard to mass ascertained by means of massmeter or other mass-measuring instrument

98. where in any criminal proceedings arising out of an alleged contravention of this Act, evidence to prove such contravention is given of a mass as ascertained by means of a massmeter or other mass-measuring instrument, it shall be *prima facie* evidence that such mass is correct.

Presumption in regard to gross vehicle mass of motor vehicle

99. Where in any criminal proceedings arising out of an alleged contravention of this Act the gross vehicle mass of a motor vehicle is or may become relevant to the issue, a document purporting to be an affidavit made by an authorised officer who in that affidavit alleges that he is an authorised officer and that the gross vehicle mass of such vehicle is as specified in that affidavit, shall, upon its mere production at such proceedings, be *prima facie* proof that the gross vehicle mass of such vehicle is as so specified.

Proof of gross vehicle mass of motor vehicle

100. Any document purporting to have been issued by a manufacturer and stating the gross vehicle mass of a particular model of motor vehicle manufactured by the manufacturer, shall be *prima facie* evidence as to the gross vehicle mass of such model.

Presumption that owner drove or parked vehicle

101. Where in any criminal proceedings under -

- (a) the common law relating to the driving of a vehicle on a public road;
- (b) this Act; or
- (c) any by-law made under section 104;

the identity of the driver of a vehicle on a public road or of the person who parked a vehicle is or may become relevant to the issue, an extract from or copy of any register or record contemplated in section 105 in which particulars are contained of the identity of the person in whose name that vehicle is registered in terms of section 13, shall, upon its mere production at such proceedings,

be *prima facie* proof that the vehicle was, in the case of -

- (i) a natural person, driven or parked by that person;
- (ii) a corporate body, driven or parked by a director or employee of the corporate body in the exercise of his powers or in the performance of his duties as such furthering or endeavouring to further the interests of the corporate body.

Presumption in regard to officers

102. In any prosecution under any of the provisions of this Act, the fact that a person purports to act or has purported to act as a traffic officer or an inspector of licences, examiner of vehicles, examiner for driving licences or inspector for Government vehicles, shall be prima facie evidence of his appointment and authority so to act, but subject thereto that the provisions of this section shall not apply with regard to a prosecution on a charge relating to impersonation.

**PART XI
REGULATIONS**

Power of Minister to make regulations

103. The minister may make regulations with respect to-

- (a) the safety of traffic on a public road, including -
- (i) the restriction of the use of any such road or part thereof by such traffic and the duties of the users of any such road;
- (ii) the transport of dangerous goods;

(b) the identification of vehicles and, in relation to a motor vehicle, the size, shape, colour and character of the registration mark and number plate to be displayed under this Act and the means to be adopted to render any such mark easily distinguishable, whether by night or by day, when any such vehicle is operated on a public road;

(c) the width, height and length of any vehicle, and the diameter of the wheels and the width, nature and condition of the tyres of any vehicle when operated on a public road;

(d) the maximum mass, laden or unladen, of any vehicle, the height and width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the extent to which any load may project in any direction and the maximum mass of any vehicle or any part thereof supported by the road or any specified area thereof, when any vehicle referred to in this paragraph is operated on a public road;

(e) the emission of exhaust gas, smoke, fuel, oil, visible vapours, ash or grit from any vehicle operated on a public road;

(f) excessive noise owing to the design or condition of any vehicle or the loading thereof, or to the design, condition or misuse of silencer, or of a hooter or other warning device, when any such vehicle is operated on a public road;

(g) the particulars to be marked on any vehicle;

(h) the towing, pushing or drawing of any vehicle by another vehicle on a public road;

- (i) the conditions under which any motor vehicle fitted with steering apparatus on the left side may be operated on a public road;
- (j) the number, nature and kind of lamps, including reflectors, to be fitted to any vehicle operated on a public road, the position in which they shall be carried, the manner, conditions and times of their use and the use of any lamp or lighting device which may endanger public safety;
- (k) the number and nature of brakes and for ensuring that brakes, silencers and steering gear shall be efficient and in proper working order, in respect of any vehicle operated on a public road;
- (l) the regulation of the use and control of any vehicle on a public road, its construction, equipment (including measuring equipment), width of tracks, dimensions, mass and use in respect of either chassis and body or chassis, body and load and the conditions under which it may be used;
- (m) in relation to a vehicle operated on a public road, the devices to be fitted for signalling the approach thereof, for enabling the driver thereof to become aware of the approach of another vehicle from the rear, and for intimating any intended movement thereof and the use of any such devices and for ensuring that they shall be efficient and kept in proper working order;
- (n) the protection of any public road, the mass, tyres and load of any vehicle in relation to any specified bridge or ferry, the time when and speed at which any vehicle of a specified mass may be allowed to cross any bridge or ferry, and furnishing of security by any person against damage to any public road by reason of heavy traffic, and making good the cost of repairing such damage;
- (o) the stopping and parking of vehicles on public roads, including the provision of special parking places for persons referred to in section 108;
- (p) the furnishing of accident reports and statistics of any nature whatsoever;
- (q) the determination of the number of passengers for the transport of which a certain class of motor vehicle is adapted and the number which may be transported, the general safety, comfort and convenience of passengers carried on or by such a motor vehicle and the conduct of the driver, conductor and passengers on such a vehicle;
- (r) the specifications for the examination of any vehicle;
- (s) any light which, in the opinion of the Minister, is likely to interfere with the proper view of any road traffic sign or to be confused with any sign;
- (t) the method of determining any fact which is required for the purposes of this Act;
- (u) any form, process or token which the Minister may deem expedient for the purposes of this Act and the nature and extent of any information to be furnished for the purpose of any such form, process or token;
- (v) the dress, including insignia, of authorised officers;
- (w) the fees to be charged for any purpose under this Act;

(x) the carriage of persons as passengers on any vehicle which has been constructed or designed solely or mainly for the carriage of goods and not for the carriage of passengers and their effects;

(y) additional duties for operators of specific classes of motor vehicles or operators engaged in activities which require additional safety measures for the protection of the public;

(z) the carrying out of, and giving effect to, the provisions of any agreement contemplated in section 125;

(z) (a) the determination of the maximum fine which may be paid without appearance in court with regard to an offence committed under this Act. Notwithstanding section 312 of the criminal procedure and evidence Act 1938;

(z) (b) responsibility for accidents caused by stray cattle owned by orphaned and vulnerable children.

(2) Regulations made by the Minister under subsection (1) with regard to -

(a) specific categories -

(i) of road transport undertakings;

(ii) of industries or trades or occupations concerned with road transport;

(iii) of persons by whom any undertaking or occupation referred to in subparagraphs (i) and (ii) is carried out or exercised;

(iv) of operators of vehicles concerned with, or new entrants to, any undertaking or occupation referred to in subparagraph (iii);

(b) specific circumstances in which any undertaking or occupation referred to in subparagraph (iii) of paragraph (a) is carried out or exercised;

(c) specific areas in which any undertaking or occupation referred to in subparagraph (iii) of paragraph (a) is carried out or exercised,

shall be so made by the Minister with due regard to the specific requirements of the category, circumstances or area concerned.

(3) The Minister may, for the purpose of prescribing any fee which is payable to any person or local authority in respect of the exercise or performance of any power, duty or function by virtue of the provisions of this Act or any agreement contemplated in section 125, determine -

(a) that the amount of such fee shall be as may be fixed by the person or local authority concerned;

(b) a maximum or minimum level in respect of any amount so fixed;

(c) the manner in which such fee shall be collected.

(4) For the purpose of this section, in formulating these regulations, the minister may in matters relating to local authorities, consult with such authorities.

Power of local authority to make by-laws

104. (1) A local authority may, in accordance with the law regulating local authorities make by-laws consistent with the provisions of this Act in respect of -

- (a) the stopping and parking of a vehicles on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;
- (b) the appointment and licensing of parking attendants and the withdrawal of any such licence;
- (c) the driver or conductor of, or other person employed in connection with, a vehicle for hire or accepting passengers for hire;
- (d) the relative position on a public road of traffic of differing speeds and classes;
- (e) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (f) the loading and off-loading of any vehicle on a public road;
- (g) the rules as to priority of entry of certain motor vehicles into a main thoroughfare;
- (h) the appointment of an advisory traffic control board consisting of not less than three members to advise the local authority on all questions of traffic control;
- (i) any form, process or token which a local authority may deem expedient for the purposes of any by-law and the nature and extent of any information to be furnished for the purpose of any such form, process or token;
- (j) the fees to be charged for any purpose contemplated under this section;
- (k) the enabling of any local authority in the event of any person failing to do anything required of him under any by-law, to do such act and to recover the expenses thereof from the person so in default.
- (l) the regulation, restriction, prohibition or control of the parking upon public roads of vehicles owned, kept or used by dealers or which have been place in their custody or under their control in the course of any dealer's business carried on by them;
- (m) the regulation, control and use in the local authority area of passenger carrying vehicles;
- (n) bus ranks;
- (o) any other matter in regard to which a local authority may make by-laws under this Act.

(2) The power to make by-laws for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose, either absolutely or conditionally.

(3) In so far as any by-law of a local authority, whether made under this Act or any other law, may be inconsistent with any regulation made by the Minister under this Act, the last-mentioned regulation shall prevail.

(4) A by-law made under subsection (1) may provide for penalties for a contravention thereof and also for different penalties in case of successive or continuous contraventions, but no penalty shall exceed a fine of £800 or imprisonment for a period of six months or both.

PART XII REGISTERS AND RECORDS

Registers or records to be kept

105. (1) Registers or records in such form as may be prescribed shall be kept by -

- (a) the Registrar;
- (b) a driver's licence testing centre or a testing station, if any;
- (c) a local authority;
- (d) the State, including a court of law;
- (e) any person appointed by the Minister by notice in the Gazette.

(2) Any authority or person referred to in subsection (1) shall in the manner and at such intervals as the Minister may determine, furnish the Minister or any person or body designated by the Minister, with information recorded in a register or record of such authority or person, and the Minister shall from the information so furnished compile or cause to be compiled such register as he may determine.

Copy of entry in register to be evidence

106. (1) A document purporting to be an extract from, or copy of, any register or record kept in terms of this Act and purporting to be certified as such by the person in control of such register, shall in any court be admissible as evidence and shall be *prima facie* evidence of the truth of the matters stated in such document without the production of the original register or record or certificate, licence, other document, microfiche, microfilm or computerised record from or of which such extract or copy was made.

(2) The information contained in a register or record kept for the purposes of this Act shall be furnished to -

- (a) a traffic officer or inspector of licences who requires it for the performance of his duties;
- (b) a person authorised thereto by the Minister to demand such furnishing;
- (c) the State, including a court of law;
- (d) a competent authority of another country;
- (e) a local authority;

but subject thereto that the consent of the Minister or any person authorised thereto by him shall be obtained before such information is furnished to an authority referred to in paragraph (d).

(3) An authority keeping a register or record in terms of section 105 shall, upon payment of the prescribed fees, furnish in information contained in such register or record, to any other person who, in the opinion of such authority, on reasonable grounds requires such information.

Cognisance may be taken of information contained in register or record

107. The minister may, in exercising a discretion or taking a decision in terms of this Act, take cognisance of the information contained in a register or record contemplated in section 105.

**PART XIII
GENERAL**

Exemptions with regard to fees and parking

108. (1) Notwithstanding anything to the contrary, the Ngwenyama and the Government of Swaziland shall be exempted from the payment of any fees relating to:

- (a) the registration and licensing of motor vehicle belonging to the Ngwenyama or the Government of Swaziland;
- (b) the issue of a learner's or driver's licence;
- (c) the issue of a roadworthy certificate, which would otherwise have been payable by the Ngwenyama or the Government of Swaziland, as the case may be.

(2) Notwithstanding anything to the contrary contained in any other law, a local authority shall, in the prescribed manner, exempt -

- (a) a medical practitioner, subject thereto that such exemption shall only pertain to cases of emergency;
- (b) a nurse or midwife recognised as such under any law, subject thereto that such exemption shall only pertain to cases of emergency; or
- (c) (i) a person who, in the opinion of such local authority suffers from a prescribed physical disability; or
- (ii) any person who is conveying or assisting a person who suffers from such disability,

from the provision of any law relating to the parking of motor vehicles.

(3) A disabled person or a person who is conveying or assisting a person who suffers from a disability who has been exempted from the laws relating to parking in terms of subsection (2)(c), and to whom the prescribed proof of such exemption has been issued, shall be deemed to be so exempted from the laws applicable in the area of jurisdiction of all local authorities in Swaziland.

Imposition of Toll, levies, charges or fees

109. (1) The Minister may, for the purposes of the improvement and maintenance of the roads infrastructure of Swaziland, road safety programmes, or any other purpose relating to

the objectives of this Act, from time to time in consultation with the Minister responsible for finance by notice in the Gazette impose -

- (a) a toll based on the mass of and the distance travelled on any public road by any motor vehicle registered and licensed in Swaziland or in any other country;
- (b) a toll on any other motor vehicle registered and licensed in any other country;
- (c) any other general or special levy, charge or fee on any motor vehicle,
- but subject thereto that no toll, levy, charge or fee shall be payable under this section in respect of -

(i) a vehicle which is the property of the Ngwenyama or the Government of Swaziland;

(ii) a vehicle belonging to diplomatic mission, the head of a diplomatic mission or a diplomatic agent assigned to Swaziland and bearing -

(aa) in the case of a diplomatic mission situated in Swaziland or the head or diplomatic agent of such mission, a Swaziland registration mark identifying it as such; or

(bb) in the case of a diplomatic mission accredited to but situated in a country other than Swaziland, or the head or diplomatic agent of such mission, a registration mark of that other country identifying it as registered in connection with a diplomatic mission.

(2) A different toll, levy, charge or fee may be determined for different classes of vehicle or in relation to the use of any class of vehicle or the country in which it is registered and licensed.

(3) The Minister may, on such grounds as he may determine, exempt the operator or driver of a vehicle from the payment of any toll, levy charge or fee proposed in terms of this section.

(4) Any toll, levy, charge or fee collected under this section shall be paid into the Road Fund Account.

(5) The Minister may prescribe any matter with regard to the imposition or payment of any toll, levy, charge or fee under this section as may be necessary.

Doubt concerning use or classification of motor vehicle

110. If, for the purposes of this Act, any doubt arises as to the use to which any vehicle is put or the classification of any vehicle, such matter shall be referred to the Minister for a decision.

Vehicle and load may be exempted from the provisions of this Act

111. The Minister may, subject to such conditions and upon payment of such fees or charges as he may determine, authorise in writing, either generally or specifically, the use on a public road of a vehicle which does not comply with the provisions of this Act or the Conveyance on a public road of passengers or any load otherwise than in accordance with the provisions of this Act.

Minister to authorise certain refunds

112. (1) The minister shall, if he is satisfied that an amount paid by a person was in excess of the amount properly chargeable under this Act, authorise a refund of such amount or of any part thereof to such person.

(2) The Minister shall not authorise a refund under this section unless the claim thereof is received by the authority to which the payment was made within three years after the date of the payment concerned.

Inspectorate and inspections

113. (1) The Minister may -

- (a) authorised a person to carry out any inspection which the Minister considers necessary;
- (b) appoint an inspectorate to carry out an inspection and to perform such other functions as the Minister may determine,

to order to ensure that the provisions of this Act are being complied with.

(2) person shall not obstruct or hinder another person in the carrying out of an inspection referred to in subsection (1).

(3) The Minister may authorise the payment of a fee:-

- (a) to the person appointed under subsection(1)(a), if such person is not a public officer.
- (b) and to an inspectorate appointed under subsection (1)(b), if such inspectorate is not constituted from public officers.

(4) The Minister may prescribe the manner in which an expenditure incurred under this section with regard to the inspection of a driver's licence testing centre or a testing station shall be defrayed and the fee to defray such expenditure.

Duplicate of document or token

114. (1) Subject to subsection (3), if the Minister or the Registrar is satisfied that a certificate, licence or other document or token issued in terms of this Act has been lost, destroyed or defaced or that the figures or particulars thereon have become illegible the Minister or Registrar shall, upon receipt of an application in the form determined by the Minister and upon payment of the prescribed fees, issue a duplicate of such certified, licence or other document or token to the person who, in the opinion of such authority, is entitled thereto, with either the word "DUPLICATE" written thereon or the issue number printed thereon, but a duplicate of -

- (a) a clearance certificate as prescribed shall not be issued, and where such clearance certificate has been lost, destroyed or defaced or the figures or particulars thereon have become illegible, the person to whom such clearance certificate was issued, shall -
 - (i) in the case of a motor vehicle licence, apply for the issue of such licence; or

(ii) in the case of a motor trade number, apply for the cancellation of the motor trade number concerned and the issue of a new motor trade number in the prescribed manner;

(b) a learner's licence or a driver's licence which was issued in accordance with section 31 or 32(6), shall only be issued to the person to whom the original licence was issued.

(2) An application for a duplicate of a licence referred to in subsection (1) (b), shall be made as prescribed and such duplicate shall be issued as prescribed.

(3) If, after the issue of a duplicate in terms of subsection (1) or (2), the original certificate, licence or other document or token is found, the person to whom the duplicate was issued shall take all reasonable steps to obtain possession thereof and return it forthwith to the authority who issued the duplicate.

Certified copies

115. (1) Except for a learner's and driver's licence that a person is required to be in possession of under this Act, a person who in terms of this Act is required to produce any other certificate, document, licence or token may, subject to subsection (2), produce a copy of that certificate, document or token, subject thereto that such copy is certified as a true copy in terms of the Commissioners of Oaths Act, No. 23 of 1942.

(2) A person authorised in terms of this Act to require from any person to produce a certificate, licence, document or token, may require from that person to produce within a reasonable period (not being more than 14 days) to produce at a time and place specified by him the production of the original of such certificate, licence, document or token.

Thumb print

116. A person who is unable to sign his name shall, whenever his signature is required on a document in terms of this Act, impress in place thereof his left thumb print upon the space within which he would otherwise have been required to sign his name and if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger thus used shall be identified in writing under each imprint of such finger by the officer in whose presence the imprint was made.

Service of notice and notice of intent to prosecute

117. (1) Whenever in terms of this Act a notice is authorised or required to be served upon or issued to a person, such notice shall either be served personally on the person to whom it is addressed or be sent to him by registered post to his last known address, but subject thereto that the address furnished by the holder of a driver's licence or recorded against his name in a register of driver's licences, or the address recorded against the registration of a vehicle register of motor vehicles as the address of the owner of such vehicle, shall serve as his domicile of summons and execution for all purposes arising from or for the purposes of this Act, for the service of notices, post or processes on such person.

(2) Service by registered post in terms of subsection (1) shall be deemed to have been effected on the tenth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice.

(3) A certificate by the officer who issued the notice referred to in subsection (1), or by a person authorised by such officer, stating the time, place and manner of issuing of such notice, shall be evidence that such notice was duly issued unless and until the contrary is proved.

Appeal to Minister

118. (1) A person who is aggrieved by the refusal of the authority responsible to issue to him of a learner's licence driver's licence, professional driver's permit or roadworthy certificate, may within 21 days after such refusal, in writing appeal to the Minister and such person shall at the same time serve a copy of the appeal to the authority concerned.

(2) After receipt of the copy of the appeal referred to in subsection (1), the authority concerned shall within 14 days furnish the Minister with reasons for the refusal to which such appeal refers.

(3) For the purpose of deciding an appeal in terms of subsection (1), the Minister may appoint a person to examine -

- (a) and test the appellant as to his competency to drive the class of motor vehicle concerned;
- (b) and test the appellant as to his competency to obtain a professional driver's permit;
- (c) the motor vehicle to which the appeal relates in order to determine whether such motor vehicle is roadworthy, and may, in addition, require each party to the appeal to furnish such information and evidence as he may deem expedient.

(4) The Minister may after considering the appeal give such decision as he may consider appropriate.

State Bound

119. The Act shall bind the State and any person in the Service of the State, but the Minister may, by notice in the Gazette, exempt the State or any such person from any provision of this Act, subject to such conditions as the Minister may determine.

Seizure of vehicles

120. (1) Subject to subsection (2), a traffic officer may seize a vehicle with its load, which is used in or is on reasonable grounds believed to be used in the commission or suspected commission of an offence in terms of the laws of the country.

(2) The manner and conditions in respect of seizure, safe keeping and disposal of a vehicle with its load referred to in subsection (1) shall be as prescribed.

Incorporation of standard by reference

121. (1) The Minister may by notice in the Gazette incorporate in the regulations any standard without stating the text thereof, by mere reference to the number, title and year of issue of that standard or to any particulars by which that standard is sufficiently identified.

(2) A standard incorporated in the regulations under subsection (1) shall for the purposes of this Act, as far as it is not contrary to a provision of this Act, be deemed to be a regulation made as provided for in section 104.

(3) A notice under subsection (1) shall come into operation on a date specified in the notice, but not before the expiry of 30 days after the date of publication of the notice.

(4) If any standard is at any time after the incorporation thereof in the regulations amended or substituted, the notice incorporating that standard in the regulations shall, unless otherwise stated therein, be deemed to refer to that standard as so amended or substituted, as the case may be.

Offences and penalties

22. (1) A person who contravenes or fails to comply with any provision of this Act or with any direction, term, condition, demand, determination, requirement, or request hereunder, shall be guilty of an offence.

(2) A person convicted of an offence in terms of subsection (1) read with section 71(0), 91(1), (2) or shall be liable to a fine not exceeding E 5 000 or to imprisonment for a period not exceeding four years or to both such fine and such imprisonment.

(3) A person convicted of an offence in terms of subsection (1) read with section 60 (2), 94 (2) or, shall be liable to a fine not exceeding E 4 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(4) A person convicted of an offence in terms of subsection (1) read with section 11(1), 31(4), 32(9), 50(1), 54(4), 77, 93(2), (3) or (4) or 96, shall be liable to a fine not exceeding E2000.00 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(5) A person convicted of an offence in terms of subsection (1) read with section 88(1) shall be liable -

(a) in the case of the death or injury to a person where it is proved that the person convicted has failed to comply with paragraph (a),(b),(c) or (f) of section 88(1), to a fine not exceeding E 5 000 or to imprisonment for a period not exceeding three years or to both such fine and imprisonment;

(b) in the case of damage in respect of a property or animal of another person where it is proved that the person convicted has failed to comply with paragraph (a),(d) or (f) of section 88(1), to a fine not exceeding E 3 000 or imprisonment for a period not exceeding one year or both such fine and such imprisonment;

(c) where it is proved that he has failed to comply with paragraph (e) or (g) of section 88(1), to a fine not exceeding E800 or to imprisonment for a period not exceeding six months or to both such fine imprisonment.

(6) A person convicted of an offence in terms of subsection (1) read with section 90(1) shall be liable -

(a) in the case where the court finds that the offence was committed by driving recklessly, to a fine not exceeding E3 200 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment;

(b) in case where the court finds that the offence was committed by driving negligently, to a fine not exceeding E1 600 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(7) A person convicted of an offence in terms of any other provision of this Act shall be liable to a fine not exceeding E800 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Apportionment of fines

123. (1) All fines imposed or bail money in respect of any offence in terms of this Act shall be paid into the Consolidated Fund.

(2) A fine and bail money imposed in respect of any offence under any by-law made by a local authority in terms of section 104 shall be paid to that local authority.

Transitional provision relating to owner and titleholder

124. (1) Notwithstanding the definitions of "owner" and "title holder" in section 2, but subject to subsection (2) of this section, in this Act, unless the context otherwise indicates -

(a) "owner", in relation to a motor vehicle, means a joint or part owner of that vehicle or a person having possession of the vehicle by virtue of a hire-purchase or suspensive-sale agreement, but does not include a seller under such an agreement.

(b) "title holder" shall have the same meaning; and

(c) "owned" or any like word shall have a corresponding meaning.

(2) The Minister may determine a date by notice in the Gazette where after "owner" and "title holder" shall have the meaning assigned to it, respectively, in section 2.

Agreements relating to execution and performance of certain functions

125. (1) The Minister may enter into an agreement with a person or local authority which provides, conditions as the Minister may determine, for performance of any function assigned to the Minister, other than a function assigned to the Minister by sections 103 and 118, by or under the provisions of this Act.

(2) The minister may in writing delegate function assigned to him by or under the provisions of this Act, other than a function assigned to the Minister by sections 103 and 118, to a person or local authority if the Minister deems it necessary for the efficient performance of any function which forms the subject of an agreement referred to in that subsection.

(3) The Minister shall, within 60 days of the date on which he enters into an agreement referred to the subsection (1), give notice in the Gazette that such agreement was so entered into.

(4) The Minister may, subject to such conditions as he may determine, permit any other functionary to enter into an agreement with any person or local authority which provides for the performance of any function assigned to such functionary by or under the provisions of this Act.

Repeal of laws and savings

126. (1) Subject to the provisions of this section, the Road Traffic Act, No. 6 of 1965, and all laws, which amended the Road Traffic Act, 1965, are hereby repealed.

(2) Subject to the provisions of this Act, any proclamation, regulation, notice, order, prohibition, authority, provision of a law repealed by subsection (1) shall, in so far as it is not consistent with any provision of this Act, be deemed to have been made, issued, imposed, granted, given, or taken under the corresponding or related provision (if any) of this Act.

(3) A person deemed under subsection (2) to be appointed in any capacity or post under this Act, but who does not comply with any requirement or possess any qualification demanded or required in terms of this Act for appointment in such capacity or post, shall within such period as the Minister may determine comply with such requirement or obtain such qualification.

(4) The Road Traffic Fund Account opened by the Accountant-General in terms of section 150(4) of the repealed Act, shall continue to exist as such.