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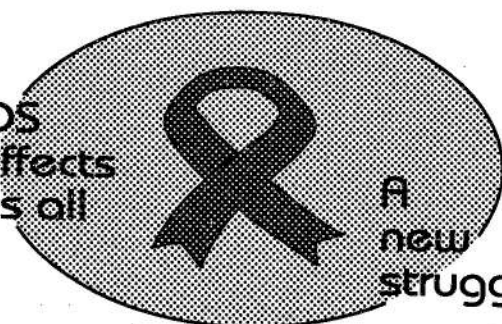
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DEPARTMENT OF HEALTH

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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT**No. R. 246****17 March 2000****INFORMATION NOTE: IMPLEMENTATION OF NATIONAL ROAD TRAFFIC ACT, 1996, AND EXTENT TO WHICH ROAD TRAFFIC ACT, 1989, REMAINS IN FORCE****BACKGROUND****National Road Traffic Act, 1996 (Act No. 93 of 1996)**

The National Road Traffic Act, 1996, was drafted and adopted by Parliament as a result of the findings of the Department of Transport's Constitutional Transformation Project ("the Project") initiated in response to the entry into force of the interim Constitution on 27 April 1994. The main aim of the Project was to identify how the Constitution would affect the future administration of transport functions.

The findings of the Project concerning road traffic legislation were that new national legislation should be adopted to give effect to the consultative process and the national government's residual powers on the basis of section 126(3) of the interim Constitution. This implied that the former Road Traffic Act, 1989 (Act No. 29 of 1989), would become provincial law capable of amendment by provincial legislatures, and that national legislation would have to be adopted to provide the required degree of uniformity.

Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999)

The Ministerial Committee, consisting of the 9 Members of the Executive Council (MECs) responsible for traffic and transport matters in the provinces and the Minister of Transport, commissioned a study into the current service standards, efficiency and effectiveness of the functions pertaining to road traffic management.

The findings of the study culminated in the adoption by Parliament of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999). The aim of the Act is to establish the Road Traffic Management Corporation to effect co-operative and co-ordinated strategic planning, regulation, facilitation and law enforcement in respect of road traffic matters within the national, provincial and local spheres of government, the regulation of the contracting out of road traffic services and the provision of the phasing in of private investment in road traffic.

Once established, the Road Traffic Management Corporation ("the Corporation") will be directed by a Shareholders Committee consisting of the MECs, the Minister of Transport and two members of the South African Local Government Association, and will be managed and controlled by a chief executive officer. In the light of these fundamental changes in road traffic management, several related amendments to the National Road Traffic Act, 1996, became necessary. These amendments, which were effected by the National Road Traffic Amendment Act, 1999 (Act No. 21 of 1999), replaced certain references to the Minister and MEC with references to the Shareholders Committee and

Chief Executive Officer, and inserted in the principal Act provisions that were previously envisaged to become part of provincial road traffic laws.

IMPLEMENTATION

- The National Road Traffic, 1996, will be implemented on 1 June 2000. The Road Traffic Management Corporation Act, 1999, will not be implemented on the same date, resulting in certain parts of the Road Traffic Act, 1989, remaining in force along with the National Road Traffic Act, 1996, in accordance with section 93(3) of the latter Act.
- The sections in the National Road Traffic Act, 1996, that make provision for the regulation of the transportation of dangerous goods by road will not be put into operation for a period of 12 months from 1 June 2000.
- Tables A to E below describe the status of those provisions of the road traffic legislation mentioned above that are affected by this phase of the implementation of the National Road Traffic Act, 1996.

TABLE A

Table A below lists the sections of the National Road Traffic Act, 1996 (as amended by the National Road Traffic Amendment Act, 1998, and National Road Traffic Amendment Act, 1999) that will come into operation and those that will not.

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|--|---|---|
| National Road Traffic Act, 1996 (Act No. 93 of 1996) | All sections except those mentioned in the opposite column. | 1 Definitions of— “chief executive officer” “Corporation” “examiner for driving licences” “examiner of vehicles” “inspector of licences” “peace officer” “registering authority” “Shareholder’s Committee” “traffic officer” |

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|----------------------------------|--------------------------------|--|
| | | 3 Appointment of registering authorities |
| | | 3A Appointment of officers |
| | | 3B Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer |
| | | 3C Registration and grading of officers |
| | | 3D Minimum requirements for registration as inspector of licences, examiner of vehicles, examiner for driving licences and traffic officer |
| | | 3E Suspension and cancellation of registration of officer |
| | | 3F Powers and duties of inspector of licences |
| | | 3G Powers and duties of examiner of vehicles |
| | | 3H Powers and duties of examiner for driving licences |
| | | 3I Powers and duties of traffic officer |

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|----------------------------------|--------------------------------|---|
| | | 3J Failure to comply with instruction or direction of inspector of licences, traffic officer, examiner of vehicles or peace officer |
| | | 3K Impersonating authorised officer or peace officer or inducing any such officer to forsake his or her duty |
| | | 3L Approval of training center |
| | | 11 Appointment of inspectorate of driving licence testing centers |
| | | 28 Instructor to be registered |
| | | 28A Application for registration as instructor |
| | | 28B Registration and grading of instructors |
| | | 28C Suspension and cancellation of registration of instructor |
| | | 41 Appointment of inspectorate of testing stations |
| | | 51A Right of appeal to Shareholders Committee |

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|----------------------------------|--------------------------------|---|
| | | 51B Right of appeal to chief executive officer |
| | | 54 Transportation of certain dangerous goods prohibited |
| | | 55 Appointment of dangerous goods inspector or inspectorafe |
| | | 90 Apportionment of fines |

TABLE B

Table B below lists the sections of the Road Traffic Act, 1989 (Act No. 29 of 1989), that will remain in force.

| Short title, No. and year of law | Sections to remain in force | Sections repealed by National Road Traffic Act, 1996 |
|---|---|---|
| Road Traffic Act, 1989 (Act No. 29 of 1989) | 1 Definitions of— "examiner for driver's licences" "examiner of vehicles" "inspector of licences" "peace officer" "registering authority" "traffic officer" | All sections except those mentioned in the previous column. |
| | 2 Appointment of registering authorities | |
| | 3 Appointment of officers | |

| Short title, No. and year of law | Sections to remain in force | Sections repealed by National Road Traffic Act, 1996 |
|----------------------------------|---|--|
| | 4 Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer | |
| | 5 Registration and grading of officers | |
| | 6 Suspension and withdrawal of registration of officer | |
| | 6A Right of appeal to Minister | |
| | 8 Powers and duties of inspector of licences | |
| | 9 Powers and duties of examiner of vehicles | |
| | 10 Powers and duties of examiner for driver's licences | |
| | 11 Powers and duties of traffic officer | |
| | 12 Failure to comply with instruction or direction of inspector of licences, traffic officer, examiner of vehicles or peace officer | |

| Short title, No. and year of law | Sections to remain in force | Sections repealed by National Road Traffic Act, 1996 |
|----------------------------------|--|--|
| | 13 Impersonating authorised officer or peace officer or inducing any such officer to forsake his or her duty | |
| | 14D Right of appeal to Minister | |
| | 22 Appointment of inspectorate of driver's licence testing centers | |
| | 22A Right of appeal to Minister | |
| | 27 Right of appeal to Administrator | |
| | 33 Instructor to be registered | |
| | 34 Application for registration as instructor | |
| | 35 Registration and grading of instructors | |
| | 36 Suspension and cancellation of registration of instructor | |
| | 37 Right of appeal to Minister | |
| | 59A Right of appeal to Minister | |
| | 61 Appointment of inspectorate of testing stations | |
| | 80 Appeal to Minister | |

| Short title, No. and year of law | Sections to remain in force | Sections repealed by National Road Traffic Act, 1996 |
|----------------------------------|-----------------------------|--|
| | 151 Apportionment of fines | |

TABLE C

Table C below lists the sections of the National Road Traffic Amendment Act, 1999 (Act No. 21 of 1999), that will come into operation and those that will not.

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|--|---|---|
| National Road Traffic Amendment Act, 1999 (Act No. 21 of 1999) | All sections except those mentioned in the opposite column. | 4(a) Amending section 5(1) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) (hereafter referred to as the "Principal Act") |
| | | 4(b) Amending section 5(2), (3) and (4) of the Principal Act |
| | | 5 Amending section 6 of the Principal Act |
| | | 6 Amending section 8 of the Principal Act |
| | | 7 Amending section 9 of the Principal Act |
| | | 8 Amending section 10 of the Principal Act |
| | | 10 Amending section 15 of the Principal Act |
| | | 11 Amending section 16 of the Principal Act |
| | | 14 Amending section 21 of the Principal Act |
| | | 15 Amending section 25 of the Principal Act |

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|----------------------------------|--------------------------------|---|
| | | 16 Amending section 27 of the Principal Act |
| | | 18 Amending section 29 of the Principal Act |
| | | 19 Amending section 38 of the Principal Act |
| | | 20 Amending section 39 of the Principal Act |
| | | 21 Amending section 40 of the Principal Act |
| | | 23 Amending section 45 of the Principal Act |
| | | 24 Amending section 46 of the Principal Act |
| | | 25 Amending section 50 of the Principal Act |
| | | 27 Amending section 52 of the Principal Act |
| | | 28 Amending section 53 of the Principal Act |
| | | 29 Amending section 57 of the Principal Act |
| | | 30 Amending section 59 of the Principal Act |

| Short title, No. and year of law | Sections coming into operation | Sections not coming into operation |
|----------------------------------|--------------------------------|---|
| | | 31(a) Amending section 75(1) of the Principal Act |
| | | 32 Amending section 77 of the Principal Act |
| | | 33(a) Amending section 78(2) of the Principal Act |
| | | 34 Amending section 79 of the Principal Act |
| | | 36 Amending section 83 of the Principal Act |
| | | 37 Repeals section 90 of the Principal Act |

TABLE D

Table D below lists the regulations in the National Road Traffic Regulations (made under the National Road Traffic Act, 1996) that will come into operation and those that will not.

| Title of regulations | Regulations coming into operation | Regulations not coming into operation |
|---|--|---|
| National Road Traffic Regulations, 2000 | All the regulations except those mentioned in the opposite column. | 1B Manner of application for registration as inspector of licences, examiner of vehicles, examiner for driving licences |
| | | 1C Manner of registration as inspector of licences, examiner of vehicles, examiner for driving licences |
| | | 2 Grades of examiner of vehicles and examiner for driving licences |
| | | 2A Manner of suspension or cancellation of registration of authorised officer |
| | | 2B Requirements for approval of training centers by Shareholders Committee |
| | | 97 Powers and duties of inspectorate of driving licence testing centers |

| Title of regulations | Regulations coming into operation | Regulations not coming into operation |
|----------------------|-----------------------------------|---|
| | | 98 Fee to defray expenditure incurred by inspectorate of driving licence testing centers |
| | | 114A Application for registration as instructor |
| | | 114B Examination and test to determine competence to act as instructor |
| | | 114C Registration of instructor |
| | | 114D Cancellation or suspension of registration of instructors |
| | | 114E Application for amendment of registration of instructor |
| | | 135 Powers and duties of inspectorate of testing stations |
| | | 136 Fee to defray expenditure incurred by inspectorate of testing stations |
| | | 147 Notice in terms of section 3F(a) or section 3I(a) of Act to direct that motor vehicle be taken to testing station |

| Title of regulations | Regulations coming into operation | Regulations not coming into operation |
|----------------------|-----------------------------------|---|
| | | Chapter VIII: Transportation of dangerous goods and substances by road |
| | | 335B Officer to use prescribed forms |

TABLE E

Table E lists the regulations in the Road Traffic Regulations (made under the Road Traffic Act, 1989) that will remain in force.

| Title of regulations | Regulations to remain in operation | Regulations repealed by the National Road Traffic Regulations |
|--------------------------------|---|--|
| Road Traffic Regulations, 1990 | 1A Manner of application for registration as inspector of licences, examiner of vehicles, examiner for driver's licences or traffic officer | All regulations except those mentioned in the previous column. |
| | 1B Requirements for competency and registration to be complied with by applicant to be registered as inspector of licences, examiner of vehicles, examiner for driver's licences or traffic officer | |
| | 1C Manner of registration as inspector of licences, examiner of vehicles, examiner for driver's licences or traffic officer | |
| | 1D Change of registration particulars | |
| | 1E Grades of examiner of vehicles and examiner for driver's licences | |

| Title of regulations | Regulations to remain in operation | Regulations repealed by the National Road Traffic Regulations |
|----------------------|--|---|
| | 1F Manner of suspension or cancellation of registration of officer | |
| | 241F Powers and duties of inspectorate of driver's licence testing centers | |
| | 241G Fee to defray expenditure incurred by inspectorate of driver's licence testing centers | |
| | 250 Duty of instructors to obtain instructor's certificates | |
| | 265G Powers and duties of inspectorate of testing stations | |
| | 265H Fee to defray expenditure incurred by inspectorate of testing stations | |
| | 277 Notice in terms of section 8(a) to direct that motor vehicle be taken to testing station | |
| | 439B Officer to use prescribed forms | |



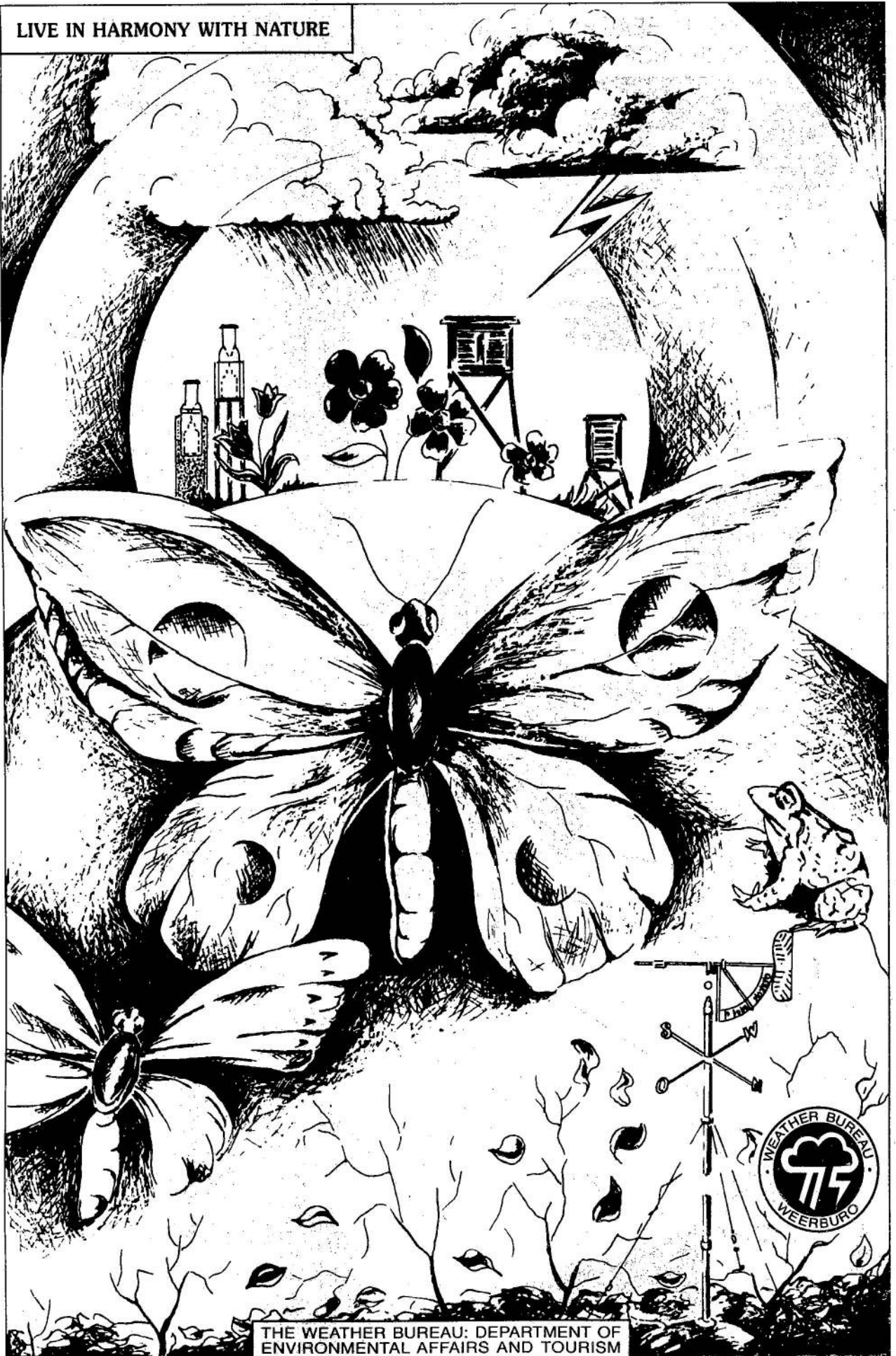
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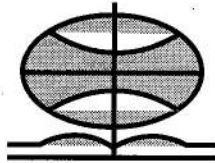
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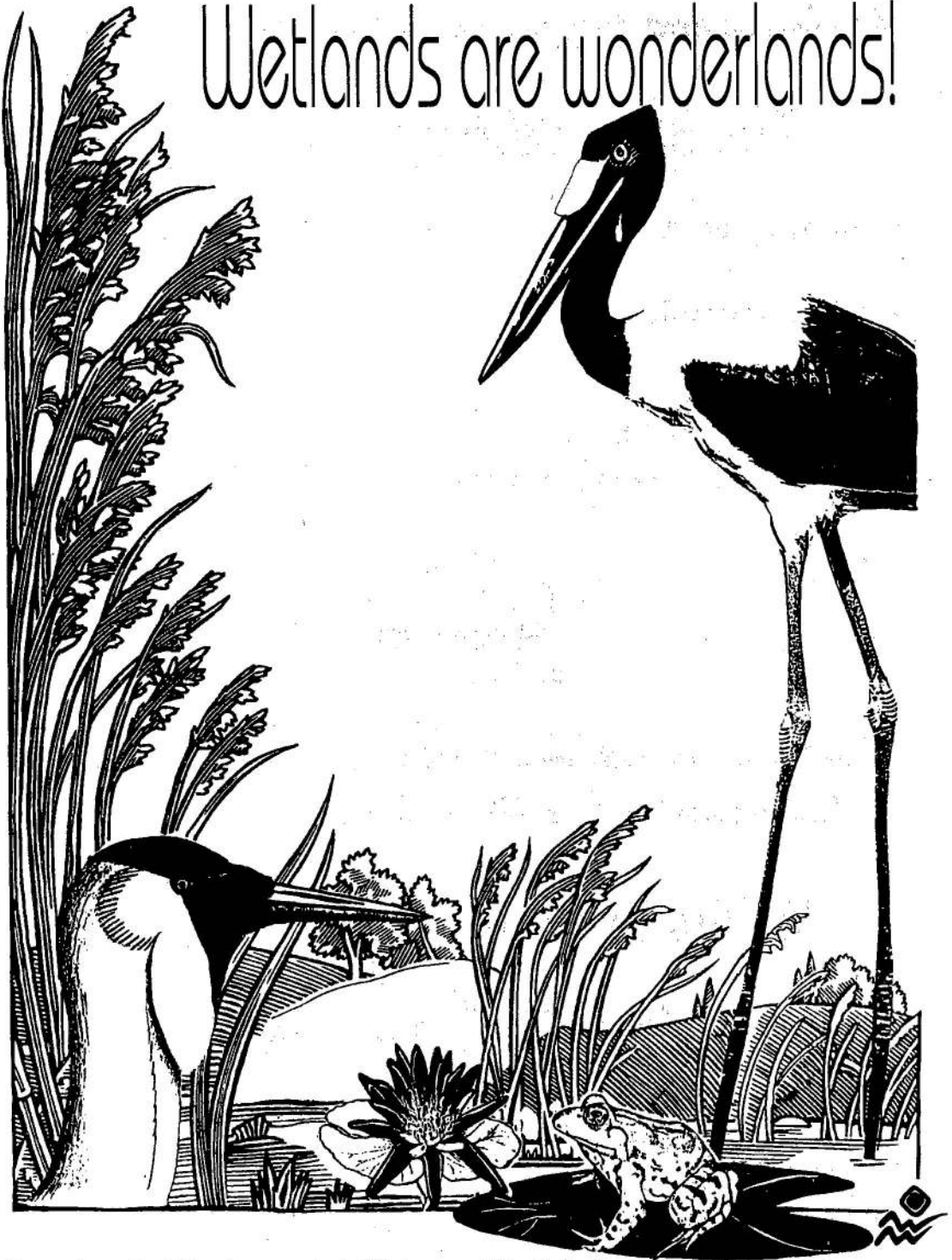
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