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CONTENTS • INHOUD*No.**Page
No. Gazette
 No.***GOVERNMENT NOTICE****Transport, Department of***Government Notice*

R. 917 National Road Traffic Act (93/1996): Publication of the National Road Traffic Regulations for comments..... 3 37076

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 917

27 November 2013

NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO. 93 OF 1996)

PUBLICATION OF THE NATIONAL ROAD TRAFFIC REGULATIONS FOR COMMENTS

The Minister of Transport intends to amend the National Road Traffic Regulations, 2000, and acting in terms of section 75 (6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith publish the regulations in the Schedule for comments; All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments, within four weeks from the date of publication of this Notice to:

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1. In this Schedule "the Regulations" means the National Road Traffic Regulations published in Government Notice No. R. 225 of 17 March 2000, as amended by Government Notice No's. R. 761 of 31 July 2000, R. 941 of 22 September 2000, R. 726 of 3 August 2001, R. 2116 of 5 October 2001, R. 779 of 4 June 2002, R. 1341 of 25 September 2003, R. 881 of 23 July 2004, R. 871 of 2 September 2005, R. 1066 of 23 November 2005, R. 1318 of 2 December 2005, R. 1319 of 2 December 2005, R. 891 of 4 September 2006, R. 964 of 29 September 2006, R. 404 of 4 May 2007 and R. 865 of 28 September 2007, R. 589 of 27 May 2009, R. 359 of 12 May 2010, R. 541 of 29 June 2011, R. 209 of 9 March 2012 R. 758 of 9 October 2013 and R. 890 of 19 November 2013.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the insertion after the definition of **“date of liability for first licensing”** of the following definition:

“date of first registration” means the date on which a motor vehicle is registered in the Republic in terms of regulation 7(1). In a case of a motor vehicle that was previously registered in the Republic in terms of any legislation, the date on which the said motor vehicle was first registered or any other country. ”.

Amendment of regulation 161A of the Regulations

3. Regulation 161A of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (3) of the following paragraph:

“(a) that the rear lamps are on or not on at the same time as the daytime running lamps.”.

Amendment of regulation 213 of the Regulations

4. Regulation 213 of the Regulations is hereby amended by-

- (a) the deletion of the word “or” after paragraph (a);
- (b) the substitution of the “.” after paragraph (b) with a “;”; and
- (c) the addition of paragraph (c) after paragraph (b) of subregulation (1):

“(c) an infant is a person below the age of three years.

(d) the insertion of the following subregulation after subregulation (6):

“(6A) The driver of a motor vehicle operated on a public road shall ensure that an infant traveling in such a motor vehicle is seated on an appropriate child restraint: Provided that this provision shall not apply in a case of a minibus, midibus or bus operating for reward.”.

Amendment of regulation 215 of the Regulations

5. Regulation 215 of the Regulations is hereby amended by the substitution for subregulation (1A) of the following subregulation:

“(1A) No person shall operate a minibus, midibus, bus or goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms first registered after 1 July 2014, unless such minibus, midibus, bus or goods vehicle is fitted with a speed governor, restricting the speed of such motor vehicle to the speed limits as contemplated in regulation 293.”.

Insertion of regulation 272A to 272E in the Regulations

6. The following regulations 272A to 272E are inserted after regulation 272 of the Regulations:

“272A. Driving time limits which apply to drivers of certain class of motor vehicles

The driving time limits contemplated in regulation 272B, will only apply to the drivers of motor vehicles contemplated in regulation 115(1) (a), (c) and (f).

Provided that the provisions of regulation 272A shall not apply in respect of regulation 115(2).

272B. Driving time limits

(1) The driving time limits, in respect of drivers of a motor vehicle mentioned in regulation 115(1) (a), (c) and (f) and who is not accompanied by another drivers holding a driving licence for the category of the said motor vehicle, shall be-

- (a) a maximum of five hours continuous driving time;
- (b) a total maximum of 15 hours driving time in a period of 24 hours;
- (c) a resting period of;
 - (i) a minimum of 15 minutes;

- (ii) a minimum total of 30 minutes accumulated during the period of five hours and 30 minutes;
- (iii) a minimum continuous period of nine hours in a period of 24 hours; and
- (iv) 10 minutes rest period in terms of paragraph (a).

(2) The driving time limits, in respect of a driver of motor vehicles mentioned in regulation 115(1) (a), (c) and (f) and who is accompanied by another driver holding a driving licence for the category of the said motor vehicle, shall be those contemplated in subregulation (1) excluding the provisions of paragraph (c), and-

- (a) such driver shall not alternatively drive the said motor vehicle and rest from driving for a continuous period exceeding 30 hours; and
- (b) where the period contemplated in paragraph (a)-
 - (i) exceed 15 hours but does not exceed 20 hours, such period shall be followed by a period of unbroken rest of 10 hours; and
 - (ii) exceed 20 hours, such period shall be followed by an unbroken rest period of 12 hours:

Provided that a vehicle being operated by a driver in terms of this subregulation shall, where the period as contemplated in paragraph (a) exceed 15 hours, be provided with adequate sleeping accommodation that will provide an adult with sufficient sleeping space.

272C. Recording driving time

A driver of a motor vehicle contemplated in regulation 272A (1) shall record his or her driving time in a logbook form as shown in schedule 2 and it shall contain the following information-

- (a) the driver's or co-drivers name and identity number;

- (b) the name of the operator or the owner of the motor vehicle and the address and contact details of such operator or owner;
- (c) the dates;
- (d) driving time and resting periods for 24 hour period;
- (e) additional drivers in the motor vehicle;
- (f) odometer reading at the beginning and the end of a shift;
- (g) signature of the driver;
- (h) origin of a trip;
- (i) destination of a trip; and
- (j) estimated driving time.

272D. Duties of an operator or owner in relation to the maintenance and preservation of records produced by a recording device

(1) The operator or owner of a motor vehicle shall furnish to the driver of such motor vehicle a logbook as contemplated in regulation 272C.

(2) The operator shall ensure that the driver of the motor vehicle shall comply with the requirements of regulation 272A and 272B.

(3) A copy of a logbook shall be retained by the operator or owner concerned for a period of three years and shall be made available to an authorised officer upon request.

272E. Power and duties of traffic officer in relation to driving time limits

In addition to any powers and duties conferred upon an authorised officer in terms of this Act, an authorised officer may-

- (a) demand from any person referred to in regulation 115(1) (a),(c) and (f) to produce a duly completed logbook in terms of regulation 272C;
- (b) inspect such logbook for compliance with provisions of regulation 272B and 272C;
- (c) in the case where a driver has transgresses the provisions of regulation 272B, temporarily forbid such a driver to continue to drive or be in charge of a motor; vehicle until such person has complied with such driving time limits and rest times; and
- (d) forward information of transgressions of the drivers to the relevant bargaining council to act against the employer of such driver.”.

Short title and commencement

- 7.** These Regulations are published for comments
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