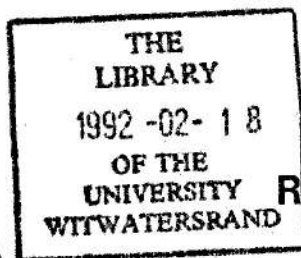
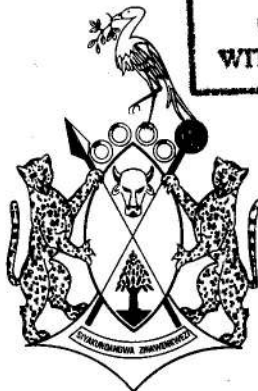


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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 92

IT IS HEREBY NOTIFIED THAT THE CHAIRMAN OF THE COUNCIL OF STATE
HAS ASSENTED TO THE FOLLOWING DECREE WHICH IS HEREBY PUBLISHED
FOR GENERAL INFORMATION:-

ROAD TRAFFIC AMENDMENT DECREE, 1991

DECREE No. 33 OF 1991

COUNCIL OF STATE — REPUBLIC OF CISKEI

ROAD TRAFFIC AMENDMENT DECREE, 1991

DECREE

To amend the Ciskeian Road Traffic Act, 1989.

(English text signed by the Chairman of the Council of State. Assented to on 18 December 1991)

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Amendment of section 1 of Act 18 of 1989. - Section 1 of the Ciskeian Road Traffic Act, 1989 (hereinafter referred to as the principal Act) is hereby amended -

- (a) by the insertion after the definition of "bridge" of the following definition:
" 'builder' means any person who, for the purposes of his business of selling motor vehicles, builds or assembles motor vehicles in whole or in part from used components;";
- (b) by the insertion after the definition of "by-law" of the following definition:
" 'Ciskei' means the Republic of Ciskei;";
- (c) by the insertion after the definition of "identity document" of the following definition:
" 'importer' means any person who, for the purposes of his business of selling motor vehicles, imports new or used motor vehicles into Ciskei;";
- (d) by the substitution for paragraph (b) of the definition of "prescribed territory" of the following paragraph:
" '(b) any state (other than Ciskei), which previously formed part of the Republic of South Africa, and the Republic of Namibia;";
- (e) by the deletion of the definition of "roadworthiness disc"; and
- (f) by the substitution in the definition of "self-governing territory" for the words "National States" of the words "Self-governing Territories".

2. Amendment of section 8 of Act 18 of 1989. - Section 8 of the principal Act is hereby amended -

- (a) by the substitution in paragraph (a) for the words "a roadworthy certificate" of the words "a roadworthiness certification"; and
- (b) by the substitution for paragraph (g) of the following paragraph:
" '(g) demand from any person to produce, forthwith or within a period specified by him, a licence or other prescribed authorization authorizing him to drive a motor vehicle, or to produce any other document which he is required to have in respect of any motor vehicle in terms of this Act;".

3. Insertion of sections 14A and 14B in Act 18 of 1989. - The following sections are hereby inserted in the principal Act after section 14:

"14A. Registration of builder, importer or manufacturer. - (1)(a) For the purposes of this Act every builder, importer and manufacturer shall register as such with the Director-General.

(b) Any person in respect of whom the provisions of paragraph (a) apply and who fails to comply with those provisions shall be guilty of an offence.

(2) Application for registration in terms of subsection (1)(a) shall be made to the Director-General in the prescribed manner and, if he is satisfied that the applicant complies with the prescribed requirements he shall register the applicant as a builder, importer or manufacturer, as the case may be, in the manner and on the conditions prescribed in the regulations.

(3)(a) An applicant whose application is refused may appeal to the Minister against such refusal by lodging his appeal with the Director-General in writing not later than 21 days after the refusal, and the Director-General shall, without delay, submit the appeal to the Minister together with his reasons for refusing the application.

(b) The decision of the Minister on the appeal shall be final.

(4)(a) The Director-General may, for good and sufficient reason and after affording the person concerned a reasonable opportunity of showing cause to the contrary, suspend (for such period as he may deem fit or indefinitely) or cancel the registration of such person as a builder, importer or manufacturer.

(b) Any such suspension or cancellation shall be subject to appeal in accordance with the provisions *mutatis mutandis* of subsection (3).

ROAD TRAFFIC AMENDMENT DECREE, 1991

14B. Duty of builder, importer or manufacturer to register motor vehicle. -

(1) Every builder, importer or manufacturer shall register in the prescribed manner every motor vehicle built, imported or manufactured by him, as the case may be, before he sells, distributes or otherwise disposes of such vehicle.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) shall be guilty of an offence."

4. Substitution of section 15 of Act 18 of 1989. - The following section is hereby substituted for section 15 of the principal Act:

"15. Driver of motor vehicle to be licensed. - No person shall drive a motor vehicle on a public road -

(a) except under the authority and in accordance with the conditions of a licence issued to him under this Chapter or of any document deemed to be a licence for the purposes of this Chapter, and

(b) unless he keeps such licence or document or any other prescribed authorization with him in the vehicle."

5. Amendment of section 20 of Act 18 of 1989. - Section 20 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) If the examiner for drivers' licences is satisfied as to the identity of the applicant and that the applicant has sufficient knowledge of the matters prescribed for the purposes of this Chapter in respect of the class of motor vehicle concerned and is not disqualified in terms of section 18 from obtaining a learner's licence, such examiner shall upon payment by the applicant of the prescribed fees issue or authorize the issue to him in the prescribed manner of a learner's licence in respect of the appropriate class of motor vehicle."

6. Amendment of section 23 of Act 18 of 1989. - Section 23 of the principal Act is hereby amended by the substitution for the expression "21 days" of the expression "14 days".

7. Amendment of section 38 of Act 18 of 1989. - Section 38 of the principal Act is hereby amended by the substitution in subsection (1) for the words "motor vehicle in respect of which an operator is registered" of the words "motor vehicle of a class prescribed for the purposes of this Part".

8. Substitution of section 42 of Act 18 of 1989. - The following section is hereby substituted for section 42 of the principal Act:

"42. Professional driving permit and procedure upon loss etc. thereof. - (1) The Director-General shall issue a professional driving permit in the prescribed manner to every driver registered in terms of section 41.

(2) If any such permit is lost, stolen or destroyed the holder thereof shall report the occurrence to the Police within 24 hours after becoming aware thereof and shall also, not later than 7 days thereafter report the loss, theft or destruction, as the case may be, to the registering authority for the district in which he ordinarily resides."

9. Substitution of section 53 of Act 18 of 1989. - The following section is hereby substituted for section 53 of the principal Act:

"53. Procedure subsequent to endorsement, suspension or cancellation of licence or permit. - (1) Where a court has issued an order that a licence which is not included in an identity document be endorsed or that such licence or any permit be suspended or cancelled, the registrar or clerk of such court shall advise the authority which issued such licence or permit thereof and of the conviction and sentence of the person concerned.

(2) Where a court has issued an order that a licence which is included in an identity document be endorsed, suspended or cancelled, the registrar or clerk of such court shall advise the Director-General of Internal Affairs thereof.

(3) Where the court has issued an order that a licence which is not included in an identity document or a permit be cancelled, the registrar or clerk of such court shall transmit such licence or permit to the authority which issued the licence or permit.

ROAD TRAFFIC AMENDMENT DECREE, 1991

(4) A licence which is not included in an identity document or a permit which has been suspended as a result of an order of court shall, after it has been endorsed accordingly by the registrar or clerk of the court concerned, be returned to the person entitled thereto after the period of suspension has expired.

(5) Whenever a licence is endorsed or a licence and permit are suspended or cancelled in terms of an order of court, the endorsement, suspension or cancellation shall apply to every other licence or licence and permit, as the case may be, held by the person concerned and every such other licence or licence and permit shall be endorsed accordingly by the registrar or clerk of the court and thereafter returned to the person entitled thereto: Provided that if such other licence which is not included in an identity document or such other licence and permit -

(a) is suspended, that licence or licence and permit shall be kept by the registrar or clerk of the court until the period of suspension has expired; or

(b) is cancelled, that licence or licence and permit shall be transmitted by the registrar or clerk of the court to the authority which issued the licence or the licence and permit."

10. Amendment of section 54 of Act 18 of 1989. - Section 54 of the principal Act is hereby amended -

(a) by the deletion of the word "and" at the end of paragraph (b) of subsection (3);

(b) by the substitution for paragraph (c) of subsection (3) of the following paragraph:
"(c) the period of validity of roadworthy certificates;" and

(c) by the insertion after paragraph (c) of subsection (3) of the following paragraphs:

"(d) the examination of motor vehicles;

(e) the issue of roadworthy certificates;

(f) the suspension or cancellation of roadworthy certificates;

(g) the fees payable in respect of roadworthiness certification;

(h) any other aspect regarding roadworthy certificates which the Minister may deem necessary or expedient."

11. Repeal of section 56, 57, 58, 59, 60, 61, 62, 63 and 64 of Act 18 of 1989. - Sections 56, 57, 58, 59, 60, 61, 62, 63 and 64 of the principal Act are hereby repealed.

12. Amendment of section 66 of Act 18 of 1989. - Section 66 of the principal Act is hereby amended -

(a) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:

"(a) upon the licensing of such motor vehicle in terms of Chapter 2 ; or

(b) within 21 days -

(i) after the conclusion or amendment of an agreement, or

(ii) after the vehicle became a vehicle of a class referred to in subsection (1);"

and

(b) by the substitution for subsection (5) of the following subsection:

"(5) Unless the owner of the motor vehicle concerned is at the time of the notification contemplated in subsection (2) or (3) registered as the operator thereof, the registering authority shall issue a temporary operator card to such owner in the manner and on the conditions prescribed by regulation."

13. Amendment of section 67 of Act 18 of 1989. - Section 67 of the principal Act is hereby amended by the insertion after subsection (2) of the following paragraph, the existing subsection becoming paragraph (a):

"(b) The categories, period of validity, form and contents of an operator card shall be as prescribed."

14. Substitution of section 69 of Act 18 of 1989. - The following section is hereby substituted for section 69 of the principal Act:

"69. Proof of certain facts. - (1) If in any prosecution the question arises as to who is the operator of a motor vehicle, an imprint or a copy of or an extract from an operator card, certified by a peace officer to be true, shall upon production thereof be *prima facie* proof that the person whose name appears as operator on such card was the operator of such vehicle at the time when the offence was committed.

ROAD TRAFFIC AMENDMENT DECREE, 1991

(2) No person shall in terms of subsection (1) certify any imprint, copy or extract to be true, knowing that it is not a true imprint, copy or extract."

15. Amendment of section 70 of Act 18 of 1989. - Section 70 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) keep safe and protect from theft an operator card issued to him, and if any such card is lost, stolen or destroyed he shall notify the nearest police station within 24 hours and the registering authority which issued the card within seven days after having become aware of such loss, theft or destruction or after it could reasonably be expected that he should have been aware of such loss, theft, or destruction, whichever event occurred first."

16. Amendment of section 111 of Act 18 of 1989. - Section 111 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person, in charge of a garage or other place where motor vehicles are repaired and to which is brought for the purpose of repair any motor vehicle showing signs or marks of having been involved in an accident, shall keep a record specifying the nature of such signs or marks, the engine number, chassis number and the registration or similar mark and number, and if known the name and address of the owner and driver, of such vehicle."

17. Amendment of section 124 of Act 18 of 1989. - Section 124 of the principal Act is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

"(j) the number, nature and kind of lamps, including reflectors and retro-reflectors, to be carried by 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 and, for the purposes of this paragraph, a reflector or retro-reflector may be defined as meaning a reflector which bears a standardization mark as defined in section 1 of the Standards Act, 1962 (Act 33 of 1962) or which bears such other identification mark as may be prescribed;"

18. Amendment of section 127 of Act 18 of 1989. - Section 127 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) Any authority keeping a register or record in terms of section 134 shall upon payment of the prescribed fees confirm whether or not certain information corresponds to the information contained in such register or record to any person who, in the opinion of such authority, on reasonable grounds requires confirmation of such information."

19. Amendment of section 135 of Act 18 of 1989. - Section 135 of the principal Act is hereby amended by the deletion in subsection (2) of the words "the proviso to".

20. Amendment of section 140 of Act 18 of 1939. - Section 140 of the principal Act is hereby amended -

- (a) by the substitution in subsection (2) for the expression "section 83(2)" of the expression "section 69(2), 83(2)"; and
- (b) by the substitution in paragraph (a) of subsection (4) for the expression "a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year" of the expression "a fine not exceeding R12 000 or to imprisonment for a period not exceeding three years".

21. Amendment of section 145 of Act 18 of 1989. - Section 145 of the principal Act is hereby amended by the substitution in subsection (1) for the word "President" of the words "Head of State".

22. Saving. - Nothing in the principal Act contained shall be construed as affecting the validity of any public driving permit or certificate of fitness issued in terms of the regulations under the principal Act on or after 1 July 1991.

ROAD TRAFFIC AMENDMENT DECREE, 1991

23. Short title and commencement. - (1) This decree shall be called the Road Traffic Amendment Decree, 1991 and, subject to the provisions of subsection (4), shall come into operation on a date to be fixed by the Head of State by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this decree and dates so fixed may differ in respect of -

- (a) different persons or goods or categories of persons or goods transported by means of a motor vehicle;
- (b) different kinds or classes of motor vehicles used in the transportation of persons or goods; or
- (c) different persons or categories of persons.

(3) More than one of the elements referred to in paragraphs (a) to (c) of subsection (2) may be combined for the purposes of that subsection.

(4) Sections 2(b) and 4 shall come into operation on 1 January 1993.

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