



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

# GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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## KANTOOR VAN DIE STAATSPRESIDENT

No. 1068.

15 April 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 40 van 1992: Tweede Wysigingswet op Padverkeer,  
1992.

## STATE PRESIDENT'S OFFICE

No. 1068.

15 April 1992

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 40 of 1992: Road Traffic Second Amendment Act,  
1992.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeningen aan.
- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeningen aan.
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*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 7 April 1992.)*

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**WET**

Tot wysiging van die Padverkeerswet, 1989, ten einde sekere uitdrukings te omskryf of nader te omskryf en sekere omskrywings te skrap; voorsiening te maak vir die instelling en werksaamhede van 'n Komitee vir Padverkeerswetstoepassing; voorsiening te maak vir die bepaling en toepassing van 'n nasionale beleid oor padverkeerswetstoepassing; die Administrateur te magtig om die voorwaardes waarop 'n vervaardiger, bouer of invoerder van motorvoertuie geregistreer is, te verander; voorsiening te maak vir 'n appèlprosedure vir vervaardigers, bouers of invoerders van motorvoertuie indien hulle veronreg voel oor die voorwaardes waarop hulle geregistreer is; voorsiening te maak vir die aanstelling en werksaamhede van 'n inspektoraat van vervaardigers, bouers en invoerders van motorvoertuie; voorsiening te maak vir sekere administratiewe prosedures in verband met die opskorting, intrekking of endossering van bestuurderslisensies of verandering van woonplek wanneer identiteitsdokumente en bestuurderslisensies geskei word; voorsiening te maak vir die opskorting of intrekking van die registrasie van bestuurderslisensie-toetsentrums onder sekere omstandighede; voorsiening te maak vir 'n appèlprosedure vir bestuurderslisensie-toetsentrums en toetsstasies indien hulle veronreg voel oor 'n weiering om hulle te registreer of oor die opskorting of intrekking van hulle registrasies; ander voorsiening te maak ingevolge waarvan 'n lisensie wat nie ingevolge genoemde Wet uitgereik is nie, geag word so 'n lisensie te wees; die Administrateur te magtig om die omstandighede te bepaal waarin sekere inligting in verband met 'n aansoek om 'n professionele bestuurpermit of operateurskaart aan hom verskaf moet word; 'n hof se bevoegdheid om 'n bevel uit te reik vir die endossering van 'n bestuurderslisensie te skrap; voorsiening te maak dat 'n registrasie-owerheid in plaat van die Administrateur 'n operateur kan registreer en 'n operateurskaart kan uitreik; voorsiening te maak dat daar aan 'n operateur wie se kaart opgeskort is, vir die duur van sodanige opskorting geen operateurskaart uitgereik word nie; die houer van 'n operateurskaart te verplig om die verlies, diefstal of vernietiging daarvan aan die registrasie-owerheid in wie se gebied hy woonagtig is, te rapporteer; die gebruik van 'n ander metode as 'n parkeermeter om parkeergeld te vorder, te magtig; 'n sekere misdryf met betrekking tot die bestuur van 'n motorfiets te skrap; iemand wat 'n lokomotief of 'n toestel wat op spoorstawe loop, bestuur of onder sy toesig het, te magtig om in sekere omstandighede tydelik op 'n openbare pad stil te hou; die strawwe vir misdrywe ingevolge genoemde Wet te verhoog; voorsiening te maak dat 'n plaaslike owerheid sekere gelde by spesiale besluit mag vasstel; 'n verkeersbeampte te magtig om onder sekere omstandighede beslag te lê op 'n voertuig of 'n voertuig met sy vrag; en 'n hof te magtig om 'n voertuig of 'n voertuig met sy vrag onder sekere omstandighede aan die Staat verbeurd te verklaar; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.
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*(English text signed by the State President.)  
(Assented to 7 April 1992.)*

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**ACT**

To amend the Road Traffic Act, 1989, so as to define or further define certain expressions and to delete certain definitions; to make provision for the establishment and functions of a Committee for Road Traffic Law Enforcement; to make provision for the determination and enforcement of a national policy on road traffic law enforcement; to empower the Administrator to alter the conditions on which a manufacturer, builder or importer of motor vehicles is registered; to make provision for an appeal procedure for manufacturers, builders or importers of motor vehicles if they are aggrieved at the conditions on which they are registered; to make provision for the appointment and functions of an inspectorate of manufacturers, builders and importers of motor vehicles; to make provision for certain administrative procedures in connection with the suspension, cancellation or endorsement of drivers' licences or change of place of residence when identity documents and drivers' licences are separated; to make provision for the suspension or cancellation of the registration of driver's licence testing centres under certain circumstances; to make provision for an appeal procedure for driver's licence testing centres and testing stations if they are aggrieved at a refusal to register them or at the suspension or cancellation of their registrations; to make other provision in terms of which a licence not issued in terms of the said Act shall be deemed to be such a licence; to empower the Administrator to determine the circumstances in which he shall be furnished with certain information in connection with an application for a professional driving permit or operator card; to delete the power of a court to issue an order for the endorsing of a driver's licence; to make provision that a registering authority instead of the Administrator may register an operator and issue an operator card; to make provision that no operator card is issued to an operator whose card has been suspended, for the duration of such suspension; to compel the holder of an operator card to report the loss, theft or destruction thereof to the registering authority in whose area he is residing; to authorize the use of a method other than a parking meter to collect parking fees; to delete a certain offence in relation to the driving of a motor cycle; to authorize someone who drives or is in charge of a locomotive or a device running on rails to temporarily stop on a public road in certain circumstances; to increase the penalties for offences in terms of the said Act; to make provision that a local authority may determine certain fees by special resolution; to empower a traffic officer under certain circumstances to seize a vehicle or a vehicle with its load; and to empower a court under certain circumstances to declare a vehicle or a vehicle with its load forfeited to the State; and to provide for matters connected therewith.

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**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

**Wysiging van artikel 1 van Wet 29 van 1989, soos gewysig deur artikel 1 van Wet 73 van 1991**

1. Artikel 1 van die Padverkeerswet, 1989 (hieronder die Hoofwet genoem), word hierby gewysig— 5

- (a) deur die omskrywing van “afbetalingsverkooptransaksie” te skrap;
- (b) deur die omskrywing van “eienaar” deur die volgende omskrywing te vervang:

“‘eienaar’, met betrekking tot ‘n voertuig[, ook]— 10

[(a) ‘n mede- of deeleienaar van daardie voertuig;]

(b) [iemand wat kragtens ‘n afbetalingsverkooptransaksie die koper van die voertuig is of wat kragtens ‘n huurtransaksie vir ‘n tydperk van nie minder nie as 12 maande die huurder van die voertuig is, maar nie die kredietgewer of verhuurder kragtens sodanige transaksie nie] die persoon wat die reg op die gebruik en genot van ‘n voertuig ingevolge die gemene reg of ‘n kontraktuele ooreenkoms met die titelhouer van sodanige voertuig het;

(c) iemand in paragraaf (b) genoem, vir enige tydperk waartydens so ‘n persoon versuim om ooreenkomstig sy verpligting kragtens die [afbetalingsverkooptransaksie of die huurtransaksie, na gelang van die geval, daardie voertuig aan die kredietgewer of verhuurder] kontraktuele ooreenkoms bedoel in paragraaf (b) daardie voertuig aan die titelhouer terug te besorg [, maar nie gedurende sodanige tydperk die kredietgewer of verhuurder ingevolge enige sodanige transaksie nie]; of 20

(d) ‘n motorhandelaar wat in besit is van ‘n [gebruikte] voertuig vir die doel van verkoop, 25

en wat as sodanig geregistreer is ooreenkomstig die regulasies kragtens artikel 14, en het ‘eiendom’ of enige soortgelyke woord ‘n ooreenstemmende betekenis;”;

(c) deur die omskrywing van “huurtransaksie” te skrap;

(d) deur die omskrywing van “kredietgewer” te skrap;

(e) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“‘Minister’ die Minister van [Vervoerwese] Vervoer;”; en

(f) deur die volgende omskrywing na die omskrywing van “teëspoedwa” in te voeg: 40

“titelhouer”, met betrekking tot ‘n voertuig—

(a) die persoon wat toestemming moet gee vir die vervreemding van daardie voertuig ingevolge ‘n kontraktuele ooreenkoms met die eienaar van sodanige voertuig; of

(b) die persoon wat die reg het om daardie voertuig te vervreem ingevolge die gemene reg,

en wat as sodanig geregistreer is ooreenkomstig die regulasies kragtens artikel 14;”.

**Invoeging van artikels 7A en 7B in Wet 29 van 1989**

2. Die volgende artikels word hierby in die Hoofwet na artikel 7 ingevoeg: 50

**“Instelling van Komitee vir Padverkeerswetstoepassing**

**7A. (1)** Die Minister moet, by kennisgewing in die *Staatskoerant*, ‘n Komitee vir Padverkeerswetstoepassing instel wat bestaan uit lede wat organisasies verteenwoordig soos in die kennisgewing bepaal.

(2) Die komitee bedoel in subartikel (1) adviseer die Minister aangaande enige aangeleentheid wat verband hou met padverkeerswetstoepassing, en verrig die ander funksies wat die Minister aan hom toewys. 55

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 29 of 1989, as amended by section 1 of Act 73 of 1991**

- 5     1. Section 1 of the Road Traffic Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion of the definition of “credit grantor”;
  - (b) by the deletion of the definition of “instalment sale transaction”;
  - (c) by the deletion of the definition of “leasing transaction”;
  - 10   (d) by the substitution for the definition of “Minister” of the following definition:
- “‘Minister’ means the Minister of Transport [Affairs];”;
- (e) by the substitution for the definition of “owner” of the following definition:
- “‘owner’, in relation to a vehicle, [includes] means—
- (a) a joint or part owner of that vehicle;]
  - (b) [any person who is the purchaser of that vehicle in terms of an instalment sale transaction or who is the lessee of the vehicle in terms of a leasing transaction for a period of not less than 12 months, but does not include the credit grantor or lessor in terms of any such transaction] the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;
  - 20   (c) any person referred to in paragraph (b), for any period during which such person has failed to return that vehicle to the [credit grantor or lessor in accordance with his obligation to do so in terms of the instalment sale transaction or the leasing transaction, as the case may be, but does not during any such period include the credit grantor or lessor in terms of any such transaction] title holder in accordance with the contractual agreement referred to in paragraph (b); or
  - (d) a motor dealer who is in possession of a [used] vehicle for the purpose of sale,
- and who is registered as such in accordance with the regulations under section 14, and ‘owned’ or any like word has a corresponding meaning;”; and
- (f) by the insertion after the definition of “this Act” of the following definition:
- “‘title holder’, in relation to a vehicle, means—
- (a) the person who has to give permission for the alienation of that vehicle in terms of a contractual agreement with the owner of such vehicle; or
  - 45   (b) the person who has the right to alienate that vehicle in terms of the common law,
- and who is registered as such in accordance with the regulations under section 14;”.

**Insertion of sections 7A and 7B in Act 29 of 1989**

- 50   2. The following sections are hereby inserted after section 7 of the principal Act:

**“Establishment of Committee for Road Traffic Law Enforcement**

- 55   **7A.** (1) The Minister shall, by notice in the *Gazette*, establish a Committee for Road Traffic Law Enforcement consisting of members representing organizations as prescribed in the notice.
- (2) The committee referred to in subsection (1) shall advise the Minister with regard to any matter relating to road traffic law enforcement, and shall perform the other functions assigned to it by the Minister.

**Bepaling en toepassing van nasionale beleid oor padverkeerswetstoe-passing**

**7B.** (1) Die Minister kan, na oorleg met die komitee bedoel in artikel 7A(1), van tyd tot tyd by kennisgewing in die *Staatskoerant* die nasionale beleid bepaal wat ten opsigte van padverkeerswetstoe-passing gevolg moet word.

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(2) Die Minister kan regulasies uitvaardig met betrekking tot die beleid bedoel in subartikel (1) en die toepassing daarvan.”

**Wysiging van artikel 14A van Wet 29 van 1989, soos ingevoeg deur artikel 5 van Wet 73 van 1991**

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3. Artikel 14A van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) Die Administrateur kan die voorwaardes bedoel in subartikel (2) op die voorgeskrewe wyse verander.”

**Wysiging van artikel 14D van Wet 29 van 1989, soos ingevoeg deur artikel 5 van Wet 73 van 1991**

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4. Artikel 14D van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

“(1) Iemand wat veronreg voel oor die weiering van die Administrateur om hom as 'n vervaardiger, bouer of invoerder te registreer of oor die opskorting of intrekking van sy registrasie as 'n vervaardiger, bouer of invoerder of oor die voorwaardes waarop hy aldus geregistreer is, kan, binne 21 dae na sodanige weiering, opskorting of intrekking, of kennisgewing van die voorwaardes waarop hy aldus geregistreer is, skriftelik teen daardie weiering, opskorting, [of] intrekking of voorwaardes na die Minister appelleer, en sodanige persoon moet terselfdertyd 'n afskrif van die appèl aan die Administrateur beteken.

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(2) Na ontvangs van die afskrif van die appèl in subartikel (1) bedoel, verstrek die Administrateur onverwyld aan die Minister sy redes vir die weiering, opskorting, [of] intrekking of voorwaardes waarop die appèl betrekking het.”.

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**Invoeging van artikel 14E in Wet 29 van 1989**

5. Die volgende artikel word hierby in die Hoofwet na artikel 14D ingevoeg:

**“Aanstelling van inspektoraat van vervaardigers, bouers en invoerders**

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**14E.** (1) Die Minister benoem 'n persoon, instansie of organisasie as 'n inspektoraat van vervaardigers, bouers en invoerders.

(2) Die bevoegdhede en pligte van die inspektoraat in subartikel (1) bedoel met betrekking tot die registrasie en inspeksie van vervaardigers, bouers en invoerders is soos voorgeskryf.”.

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**Wysiging van artikel 19 van Wet 29 van 1989**

6. Artikel 19 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat [die lisensie nie ingetrek word nie] indien die Administrateur oortuig is dat die houer daarvan bevoeg is om die betrokke klas motorvoertuig te bestuur met die hulp van 'n bril, 'n kunsledemaat of ander liggaamlike hulp, [en in dié geval moet] die Administrateur, in die geval waar die lisensie—

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**Determination and enforcement of national policy on road traffic law enforcement**

5           **7B.** (1) The Minister may, after consultation with the committee referred to in section 7A(1), from time to time by notice in the *Gazette* determine the national policy to be followed in respect of road traffic law enforcement.

(2) The Minister may make regulations in relation to the policy referred to in subsection (1) and the enforcement thereof.”.

10           **Amendment of section 14A of Act 29 of 1989, as inserted by section 5 of Act 73 of 1991**

15           3. Section 14A of the principal Act is hereby amended by the addition of the following subsection:

“**(3) The Administrator may, in the prescribed manner, alter the conditions referred to in subsection (2).**”.

20           **15 Amendment of section 14D of Act 29 of 1989, as inserted by section 5 of Act 73 of 1991**

25           4. Section 14D of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“**(1) Any person who is aggrieved at the refusal of the Administrator to register him as a manufacturer, builder or importer or at the suspension or cancellation of his registration as a manufacturer, builder or importer or at the conditions on which he is so registered may, within 21 days after such refusal, suspension or cancellation, or notification of the conditions on which he is so registered, in writing appeal to the Minister against such refusal, suspension, [or] cancellation or conditions, and such person shall at the same time serve a copy of the appeal on the Administrator.**

30           **(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal, suspension, [or] cancellation or conditions to which such repeal refers.”.**

**Insertion of section 14E in Act 29 of 1989**

35           5. The following section is hereby inserted after section 14D of the principal Act:

**“Appointment of inspectorate of manufacturers, builders and importers**

40           **14E. (1) The Minister shall designate a person, an authority or an organization as an inspectorate of manufacturers, builders and importers.**

**(2) The powers and duties of the inspectorate referred to in subsection (1) in relation to the registration and inspection of manufacturers, builders or importers shall be as prescribed.”.**

**Amendment of section 19 of Act 29 of 1989**

45           6. Section 19 of the principal Act is hereby amended by the substitution for the proviso to subsection (3) of the following proviso:

“**Provided that [the licence shall not be cancelled] if the Administrator is satisfied that the holder thereof is competent to drive the class of motor vehicle concerned with the aid of glasses, an artificial limb or any other physical aid, [in which case] the Administrator shall, in the case where the licence**

- (a) in 'n identiteitsdokument vervat is—
- (i) die licensie nie intrek nie;
  - (ii) die licensie dienooreenkomsdig endosseer en [is] die endossement 'n voorwaarde is waarop die licensie gehou word;
  - [(b)](iii)** die [licensie of, in die geval waar dit in 'n] identiteitsdokument [vervat is, daardie dokument,] aan die houer daarvan terugbesorg; en
  - [(c)](iv)** [die bevoegde gesag wat die licensie uitgereik het of, in die geval waar dit in 'n identiteitsdokument vervat is,] die Direkteur-generaal van Binnelandse Sake dienooreenkomsdig in kennis stel; of
- (b) nie in 'n identiteitsdokument vervat is nie, 'n nuwe licensie op die voorgeskrewe wyse uitreik of die uitreiking aldus daarvan magtig sodat dit die voorwaardes waarop dit uitgereik is, weerspieël.”.

#### Invoeging van artikel 21A in Wet 29 van 1989

7. Die volgende artikel word hierby in die Hoofwet na artikel 21 ingevoeg:

#### “Opskorting of intrekking van registrasie van bestuurderslisensie-toetsentrum

**21A.** Die Administrateur kan, indien na sy oordeel 'n geregtigheidstreerde bestuurderslisensie-toetsentrum nie langer aan die vereistes bedoel in artikel 21 voldoen nie, die registrasie van daardie bestuurderslisensie-toetsentrum opskort vir die tydperk wat hy goedvind of dit op die voorgeskrewe wyse intrek.”.

#### Invoeging van artikel 22A in Wet 29 van 1989

8. Die volgende artikel word hierby in die Hoofwet na artikel 22 ingevoeg:

#### “Reg van appèl na Minister

**22A.** (1) 'n Staatsdepartement of 'n registrasie-owerheid wat veronreg voel oor die weiering van die Administrateur om hom as 'n bestuurderslisensie-toetsentrum te registreer of oor die opskorting of intrekking van sy registrasie as 'n bestuurderslisensie-toetsentrum kan, binne 21 dae na sodanige weiering, opskorting of intrekking, skriftelik teen daardie weiering, opskorting of intrekking na die Minister appelleer, en so 'n appellant moet terselfdertyd 'n afskrif van die appèl aan die Administrateur beteken.

(2) Na ontvangs van die afskrif van die appèl in subartikel (1) bedoel, verstrek die Administrateur onverwyld aan die Minister sy redes vir die weiering, opskorting of intrekking waarop die appèl betrekking het.

(3) Die Minister kan na oorweging van die appèl die beslissing gee wat hy goedvind.”.

#### Vervanging van artikel 26 van Wet 29 van 1989, soos vervang deur artikel 9 van Wet 73 van 1991

9. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

#### “Houer van licensie om motorvoertuig te bestuur, moet kennis gee van verandering van woonplek

**26.** Wanneer die houer van 'n licensie om 'n motorvoertuig te bestuur wat ingevolge hierdie Hoofstuk uitgereik is, sy woonplek permanent verander, moet hy binne 14 dae na so 'n verandering die Direkteur-generaal van Binnelandse Sake op die voorgeskrewe wyse van sy nuwe woon- en posadres in kennis stel indien sodanige licensie in sy identiteitsdokument vervat is of, indien sodanige licensie nie in sy identiteitsdokument vervat is nie, die registrasie-owerheid in wie se gebied hy gewoonlik woonagtig is.”.

- 5
- (a) is contained in an identity document—
    - (i) not cancel the licence;
    - (ii) endorse the licence accordingly and such endorsement shall be a condition subject to which the licence is held;
  - (b) return the [licence or, in the case where it is contained in an] identity document [, such document] to the holder thereof; and
  - (c) notify [the competent authority which issued the licence or, in the case where it is contained in an identity document,] the Director-General of Home Affairs accordingly; or
  - (b) is not contained in an identity document, issue or authorize the issue of a new driver's licence in the prescribed manner reflecting the conditions subject to which it is issued.”.
- 10

**15 Insertion of section 21A in Act 29 of 1989**

7. The following section is hereby inserted after section 21 of the principal Act:

**“Suspension or cancellation of registration of driver's licence testing centre**

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**21A. The Administrator may, if in his opinion a registered driver's licence testing centre no longer complies with the requirements referred to in section 21, suspend the registration of that driver's licence testing centre for such period as he may deem fit or cancel it in the prescribed manner.”.**

**25 Insertion of section 22A in Act 29 of 1989**

8. The following section is hereby inserted after section 22 of the principal Act:

**“Right of appeal to Minister**

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**22A. (1) A department of State or a registering authority which is aggrieved at the refusal of the Administrator to register it as a driver's licence testing centre or at the suspension or cancellation of its registration as a driver's licence testing centre may, within 21 days after such refusal, suspension or cancellation, in writing appeal to the Minister against such refusal, suspension or cancellation, and such appellant shall at the same time serve a copy of the appeal on the Administrator.**

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**(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.**

**(3) The Minister may after considering the appeal give such decision as he may deem fit.”.**

**Substitution of section 26 of Act 29 of 1989, as substituted by section 9 of Act 73 of 1991**

45 9. The following section is hereby substituted for section 26 of the principal Act:

**“Holder of licence to drive motor vehicle shall give notice of change of place of residence**

50

**26. When the holder of a licence to drive a motor vehicle which was issued in terms of this Chapter, has changed his place of residence permanently, he shall, within 14 days after such change, notify in the prescribed manner the Director-General of Home Affairs of his new residential and postal address if such licence is contained in his identity document or, if such licence is not contained in his identity document, the registering authority in whose area he is ordinarily resident.”.**

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**Vervanging van artikel 28 van Wet 29 van 1989**

**10.** Artikel 28 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Wanneer licensie wat nie ingevolge hierdie Wet uitgereik is nie, geag word bestuurderslisensie te wees”**

**28.** (1) Behoudens die bepalings van subartikel (2) en die voorgeskrewe voorwaardes word—

(a) ’n licensie wat die bestuur van ’n motorvoertuig magtig en wat—

- (i) in ’n voorgeskrewe gebied uitgereik is; of
- (ii) in enige ander land of gebied uitgereik is; en

(b) ’n internasionale bestuurpermit wat uitgereik is terwyl die houer daarvan nie permanent of gewoonlik in die Republiek woonagtig was nie,

by die toepassing van hierdie Hoofstuk geag ’n licensie te wees ten opsigte van die klas motorvoertuig waarop daardie licensie of permit betrekking het en onderworpe aan die voorwaardes daarvan: Met dien verstande dat indien daardie licensie ’n voorlopige licensie of ’n internasionale bestuurpermit is, dit nie die bestuur van ’n motorvoertuig wat passasiers vervoer en waarvoor ’n professionele bestuurpermit vereis word, magtig nie.

(2) (a) Die typerk waarvoor ’n licensie bedoel in subartikel (1)(a)(i) of (ii) of ’n internasionale bestuurpermit bedoel in subartikel (1)(b) by die toepassing van hierdie Hoofstuk geag word ’n licensie te wees, is soos voorgeskryf.

(b) Die houer van ’n licensie bedoel in subartikel (1)(a)(i) of (ii) of ’n internasionale bestuurpermit bedoel in subartikel (1)(b) kan, onderworpe aan die voorgeskrewe voorwaardes, aansoek doen om ’n bestuurderslisensie om die licensie of permit te vervang.

(3) ’n Aansoek ingevolge subartikel (2)(b) moet op die voorgeskrewe wyse gedoen word by ’n toepaslik gegradeerde bestuurders-lisensie-toetssentrum en moet vergesel gaan van die voorgeskrewe geldie.

(4) By ontvangs van ’n aansoek ingevolge subartikel (2)(b) reik die betrokke bestuurderslisensie-toetssentrum op die voorgeskrewe wyse ’n bestuurderslisensie aan die aansoeker uit behoudens die voorgeskrewe voorwaardes.”.

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**Wysiging van artikel 30 van Wet 29 van 1989**

**11.** Artikel 30 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (7) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Wanneer ’n licensie ingevolge subartikel (1) ingetrek of opgeskort word of ingevolge subartikel (3)(a) ingetrek word, lê die houer daarvan die licensie of, in die geval waar dit in ’n identiteitsdokument vervat is, daardie dokument onverwyld voor aan die Administrateur of ’n inspekteur van licensies deur hom daartoe gemagtig, wat, **[’n toepaslike endossement daarop aanbring en]** in die geval waar die licensie—”; en

(b) deur in subartikel (7) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) in ’n identiteitsdokument vervat is, **[’n toepaslike endossement daarop aanbring en]** die Direkteur-generaal van Binnelandse Sake van die intrekking of opskorting in kennis stel.”.

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**Wysiging van artikel 32 van Wet 29 van 1989**

**12.** Artikel 32 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die woord “en” aan die einde van paragraaf (a) te skrap;

(b) deur in subartikel (2) die woord “en” aan die einde van paragraaf (b) by te voeg;

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**Substitution of section 28 of Act 29 of 1989**

**10.** The following section is hereby substituted for section 28 of the principal Act:

**“When licence not issued in terms of this Act deemed to be driver’s licence**

**28. (1) Subject to the provisions of subsection (2) and the prescribed conditions—**

- (a) a licence authorizing the driving of a motor vehicle and which—
  - (i) is issued in a prescribed territory; or
  - (ii) is issued in any other country or territory; and
- (b) an international driving permit which is issued while the holder thereof was not permanently or ordinarily resident in the Republic;

shall, in respect of the class of motor vehicle to which that licence or permit relates and subject to the conditions thereof, be deemed to be a licence for the purposes of this Chapter: Provided that if that licence is a provisional licence or an international driving permit, it shall not authorize the driving of a motor vehicle carrying passengers and for which a professional driving permit is required.

(2) (a) The period for which a licence referred to in subsection (1)(a)(i) or (ii) or an international driving permit referred to in subsection (1)(b) shall be deemed to be a licence for the purposes of this Chapter, shall be as prescribed.

(b) The holder of a licence referred to in subsection (1)(a)(i) or (ii) or an international driving permit referred to in subsection (1)(b), may, subject to the prescribed conditions, apply for a driver’s licence to take the place of such licence or permit.

(3) An application in terms of subsection (2)(b) shall be made in the prescribed manner to an appropriately graded driver’s licence testing centre and shall be accompanied by the prescribed fee.

(4) On receipt of an application in terms of subsection (2)(b), the driver’s licence testing centre concerned shall, subject to the prescribed conditions, issue to the applicant a driver’s licence in the prescribed manner.”.

**35 Amendment of section 30 of Act 29 of 1989**

**11.** Section 30 of the principal Act is hereby amended—

- (a) by the substitution in subsection (7) for the words preceding paragraph (a) of the following words:

“When a licence is cancelled or suspended in terms of subsection (1) or is cancelled in terms of subsection (3)(a), the holder thereof shall forthwith submit the licence or, in the case where it is contained in an identity document, such document to the Administrator or an inspector of licences authorized thereto by him, who shall, [effect an appropriate endorsement thereon and] in the case where the licence—”; and

- (b) by the substitution in subsection (7) for paragraph (b) of the following paragraph:

“(b) is contained in an identity document, effect an appropriate endorsement thereon and notify the Director-General of Home Affairs of the cancellation or suspension.”.

**Amendment of section 32 of Act 29 of 1989**

**12.** Section 32 of the principal Act is hereby amended—

- (a) by the deletion in subsection (2) of the word “and” at the end of paragraph (a);

- (b) by the addition in subsection (2) of the word “and” to paragraph (b);

- (c) deur die volgende paragraaf by subartikel (2) te voeg:  
“(c) die voorgeskrewe gelde.”; en
- (d) deur in subartikel (4) subparagraaf (i) van paragraaf (b) deur die volgende subparagraaf te vervang:
  - (i) trek hy die licensie in en reik 'n nuwe licensie op die voorgeskrewe wyse uit of magtig die uitreiking aldus daarvan sonder endossement of sodat dit die gewysigde endossement weerspieël, na gelang van die geval; en”.

**Wysiging van artikel 41 van Wet 29 van 1989, soos gewysig deur artikel 10 van Wet 73 van 1991**

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13. Artikel 41 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

**Wysiging van artikel 43 van Wet 29 van 1989**

14. Artikel 43 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

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“(3) Indien die betrokke registrasie-owerheid of Staatsdepartement oortuig is dat die aansoek in subartikel (1) bedoel volledig en korrek is, lê hy in die omstandighede wat die Administrateur mag bepaal die aansoek aan die betrokke Administrateur voor.”

**Vervanging van artikel 55 van Wet 29 van 1989**

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15. Artikel 55 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Hof kan bevel uitrek vir opskorting of intrekking van licensie of permit of iemand onbevoeg verklaar om licensie of permit te verkry**

55. (1) 'n Hof wat iemand skuldig bevind aan 'n misdryf ingevolge hierdie Wet, of aan 'n gemeenregtelike misdryf, wat betrekking het op die bestuur van 'n motorvoertuig of 'n versuim om na 'n ongeluk stil te hou of om 'n ongeluk te rapporteer, kan benewens die oplê van 'n straf 'n bevel uitrek, indien die persoon wat skuldig bevind word—

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**[a] die houer is van 'n licensie, dat besonderhede van die skuldigbevinding, vonnis en enige ander hofbevel wat daarop volg op daardie licensie geëndosseer word, en die licensie word deur die griffler of klerk van die betrokke hof dienooreenkomsdig geëndosseer;**

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**(b) die houer is van 'n licensie of van 'n licensie en permit, dat daardie licensie of licensie en permit opgeskort word vir die tydperk wat die hof goedvind of dat die licensie of licensie en permit ingetrek word, en so 'n [bevel word op die] licensie [geëndosseer] word mee gehandel soos in [paragraaf (a)] subartikel (3) bepaal;**

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**(c) die houer is van 'n licensie, of van 'n licensie en permit, dat daardie licensie of licensie en permit ingetrek word, en dat die persoon wat skuldig bevind is onbevoeg verklaar word om 'n licensie, of 'n licensie en permit, vir enige klas motorvoertuig te verkry vir 'n tydperk wat die hof na goeddunke bepaal, en so 'n [bevel word op die] licensie [geëndosseer] word mee gehandel soos in [paragraaf (a)] subartikel (3) bepaal; of**

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**(d) nie die houer is van 'n licensie of van 'n licensie [of] en permit nie, wat verklaar dat hy onbevoeg is om 'n licensie, of 'n licensie en permit, te verkry, vir of 'n onbepaalde tydperk of die tydperk wat die hof na goeddunke bepaal.**

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(2) Die aanbring van 'n endossement **[kragtens]** ingevolge subartikel **[1] (3)** kan deur die hof wat die bevel uitrek, uitgestel word totdat 'n appèl teen die skuldigbevinding of vonnis, of albei, afgehandel is.

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(3) Waar 'n hof 'n bevel **kragtens** subartikel (1)(b) of (c) uitgereik het, moet die griffler of klerk van die hof behoudens subartikel (2), in die geval waar die licensie—

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- (c) by the addition to subsection (2) of the following paragraph:  
“(c) the prescribed fee.”; and
- (d) by the substitution in subsection (4) for subparagraph (i) of paragraph (b) of the following subparagraph:  
5           “(i) cancel the licence and issue or authorize the issue of a new licence in the prescribed manner without endorsement or reflecting the amended endorsement, as the case may be; and”.

**Amendment of section 41 of Act 29 of 1989, as amended by section 10 of Act 73 of 1991**

13. Section 41 of the principal Act is hereby amended by the deletion of subsection (2).

**Amendment of section 43 of Act 29 of 1989**

14. Section 43 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If the registering authority or department of State concerned is satisfied that the application referred to in subsection (1) is complete and correct, it shall, in such circumstances as the Administrator may determine, submit such application to the Administrator concerned.”

**20 Substitution of section 55 of Act 29 of 1989**

15. The following section is hereby substituted for section 55 of the principal Act:

**“Court may issue order for suspension or cancellation of licence or permit or disqualify person from obtaining licence or permit**

- 25           55. (1) A court convicting a person of an offence under this Act, or of an offence at common law, relating to the driving of a motor vehicle or a failure to stop after or report an accident, may, in addition to imposing a sentence, issue an order, if the person convicted is—
- 30           (a) the holder of a licence, that particulars of the conviction, sentence and any other order of the court consequent thereupon be endorsed on such licence, and the registrar or clerk of such court concerned shall endorse such licence accordingly;
- 35           (b) the holder of a licence or of a licence and permit, that such licence or licence and permit be suspended for such period as the court may deem fit or that such licence or licence and permit be cancelled, and any such [order shall be endorsed on such] licence shall be dealt with as provided for in [paragraph (a)] subsection (3);
- 40           (c) the holder of a licence, or of a licence and permit, that such licence or licence and permit be cancelled, and that the person convicted be disqualified from obtaining a licence, or a licence and permit, for any class of motor vehicle for such period as the court may deem fit, and any such [order shall be endorsed on the] licence shall be dealt with as provided for in [paragraph (a)] subsection (3); or
- 45           (d) not the holder of a licence, or of a licence and permit, declaring him to be disqualified from obtaining a licence, or a licence and permit, either indefinitely or for such period as the court may deem fit.
- 50           (2) The making of an endorsement in terms of subsection [(1)](3) may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of.
- 55           (3) Where a court has issued an order under subsection (1)(b) or (c), the registrar or clerk of the court shall, subject to subsection (2), in the case where the licence—

- (a) in 'n identiteitsdokument vervat is, die lisensie dienooreenkomsdig endosseer en die identiteitsdokument terugbesorg aan die houer daarvan; of  
 (b) nie in 'n identiteitsdokument vervat is nie, die lisensie hou en daarmee handel ingevolge artikel 56(3) of (4), na gelang van die geval.”.

**Vervanging van artikel 56 van Wet 29 van 1989, soos vervang deur artikel 13 van Wet 73 van 1991**

16. Artikel 56 van die Hoofwet word hierby deur die volgende artikel vervang:

**“Prosedure na opskorting of intrekking van lisensie of permit**

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**56.** (1) Waar 'n hof 'n bevel uitgereik het dat 'n lisensie wat nie in 'n identiteitsdokument vervat is nie, **[geëndosseer word of dat so 'n lisensie]** of 'n permit opgeskort of ingetrek word, stel die griffier of klerk van sodanige hof die bevoegde gesag wat die lisensie of permit uitgereik het, in kennis daarvan en van die skuldigbevinding en vonnis 15 van die betrokke persoon.

(2) Waar 'n hof 'n bevel uitgereik het dat 'n lisensie wat in 'n identiteitsdokument vervat is, **[geëndosseer,]** opgeskort of ingetrek word, stel die griffier of klerk van daardie hof die Direkteur-generaal van Binnelandse Sake daarvan in kennis.

(3) Waar die hof 'n bevel uitgereik het dat 'n lisensie wat nie in 'n identiteitsdokument vervat is nie of 'n permit ingetrek word, stuur die griffier of klerk van daardie hof sodanige lisensie of permit aan die bevoegde gesag wat die lisensie of permit uitgereik het.

(4) 'n Lisensie wat nie in 'n identiteitsdokument vervat is nie, of 'n permit, wat opgeskort is as gevolg van 'n hofbevel, word **[nadat dit deur die griffier of klerk van die betrokke hof dienooreenkomsdig geëndosseer is,]** aan die persoon wat daarop geregtig is, terugbesorg na die verstryking van die tydperk van opskorting.

(5) Wanneer ook al 'n lisensie **[geëndosseer]** of 'n lisensie en permit ingevolge 'n bevel van 'n hof opgeskort of ingetrek word, is die **[endossement,]** opskorting of intrekking van toepassing op elke ander lisensie of lisensie en permit, na gelang van die geval, wat deur die betrokke persoon gehou word, en elke sodanige ander lisensie of lisensie en permit word, **indien dit in 'n identiteitsdokument vervat is,** 30 deur die griffier of klerk van die hof dienooreenkomsdig geëndosseer en daarna aan die persoon wat daarop geregtig is, terugbesorg: Met dien verstande dat indien so 'n ander lisensie wat nie in 'n identiteitsdokument vervat is nie of so 'n ander lisensie en permit—

(a) opgeskort word, daardie lisensie of lisensie en permit deur die griffier of klerk van die hof behou word totdat die tydperk van opskorting verstryk het; of  
 (b) ingetrek word, daardie lisensie of lisensie en permit deur die griffier of klerk van die hof gestuur word aan die bevoegde gesag wat die lisensie of permit uitgereik het.”.

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**Invoeging van artikel 59A in Wet 29 van 1989**

17. Die volgende artikel word hierby in die Hoofwet na artikel 59 ingevoeg:

**“Reg van appèl na Minister**

**59A.** (1) 'n Persoon, Staatsdepartement of registrasie-owerheid wat veronreg voeloor die weiering van die Administrateur om hom as 'n toetsstasie te regstreer of oor die opskorting of intrekking van sy registrasie as 'n toetsstasie kan, binne 21 dae na sodanige weiering, opskorting of intrekking, skriftelik teen daardie weiering, opskorting of intrekking na die Minister appelleer, en so 'n appellant moet terselfdertyd 'n afskrif van die appèl aan die Administrateur beteken.

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- 5                             (a) is included in an identity document, endorse such licence accordingly and return the identity document to the holder thereof; or  
 (b) is not included in an identity document, retain such licence and deal with it in terms of section 56(3) or (4), as the case may be.”.

**Substitution of section 56 of Act 29 of 1989, as substituted by section 13 of Act 73 of 1991**

16. The following section is hereby substituted for section 56 of the principal Act:

10                             **“Procedure subsequent to suspension or cancellation of licence or permit**

15                             56. (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 competent authority which issued such licence or permit thereof and of the conviction and sentence of the person concerned.

20                             (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 Home Affairs thereof.

25                             (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 competent authority which issued the licence or permit.

30                             (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 lapsed.

35                             (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, if it is or they are included in an identity document, 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—

40                             (a) is or are suspended, that licence or licence and permit shall be kept by the registrar or clerk of the court until the period of suspension has lapsed; or  
 45                             (b) is or are cancelled, that licence or licence and permit shall be transmitted by the registrar or clerk of the court to the competent authority which issued the licence or permit.”.

**Insertion of section 59A in Act 29 of 1989**

50                             17. The following section is hereby inserted after section 59 of the principal Act:

55                             **“Right of appeal to Minister**

59A. (1) A person, a department of State or a registering authority who or which is aggrieved at the refusal of the Administrator to register him or it as a testing station or at the suspension or cancellation of his or its registration as a testing station may, within 21 days after such refusal, suspension or cancellation, in writing appeal to the Minister against such refusal, suspension or cancellation, and such appellant shall at the same time serve a copy of the appeal on the Administrator.

(2) Na ontvangs van die afskrif van die appèl in subartikel (1) bedoel, verstrek die Administrateur onverwyd aan die Minister sy redes vir die weiering, opskorting of intrekking waarop die appèl betrekking het.

(3) Die Minister kan na oorweging van die appèl die beslissing gee wat hy goedvind.” 5

#### Wysiging van artikel 62 van Wet 29 van 1989, soos gewysig deur artikel 15 van Wet 73 van 1991

18. Artikel 62 van die Hoofwet word hierby gewysig deur subartikel (4) te skrap. 10

#### Wysiging van artikel 74 van Wet 29 van 1989, soos gewysig deur artikel 17 van Wet 73 van 1991

19. Artikel 74 van die Hoofwet word hierby gewysig deur subartikels (4), (5) en (6) deur die volgende subartikels te vervang:

“(4) Indien die betrokke registrasie-owerheid tevrede is met die bekendmaking bedoel in subartikel (2) of (3), na gelang van die geval, lê hy, in die omstandighede wat die Administrateur mag bepaal, die besonderhede van die aangewese persoon binne sewe dae na ontvangs daarvan aan die betrokke Administrateur voor. 15

(5) Tensy die eienaar van die betrokke motorvoertuig ten tyde van die bekendmaking genoem in subartikel (2) of (3) as die operateur daarvan geregistreer is, [reik] kan die registrasie-owerheid 'n tydelike operateurskaart aan daardie eienaar [uit] op die voorgeskrewe wyse en voorwaardes uitreik. 20

(6) (a) Indien hy oortuig is dat die aangewese persoon as operateur geregistreer behoort te word, [registreer] stel die Administrateur [daardie persoon op die voorgeskrewe wyse as die operateur van] die betrokke [motorvoertuig] registrasie-owerheid dienooreenkomsdig in kennis. 25

(b) Die registrasie-owerheid bedoel in paragraaf (a) registreer op die voorgeskrewe wyse die betrokke aangewese persoon dienooreenkomsdig as die operateur.” 30

#### Wysiging van artikel 75 van Wet 29 van 1989, soos gewysig deur artikel 18 van Wet 73 van 1991

20. Artikel 75 van die Hoofwet word hierby gewysig —

(a) deur subartikel (1) deur die volgende subartikel te vervang: 35

“(1) Die [Administrateur voorsien] registrasie-owerheid reik ten opsigte van elke motorvoertuig bedoel in artikel 74 [, aan die betrokke registrasie-owerheid] 'n operateurskaart op die voorgeskrewe wyse en teen betaling van die voorgeskrewe geld uit: Met dien verstande dat waar enige operateurskaart van 'n spesifieke operateur opgeskort word, die registrasie-owerheid nie enige nuwe operateurskaart aan sodanige operateur uitreik nie, totdat die tydperk van opskorting verstryk het."; en 40

(b) deur subartikel (2) te skrap.

#### Wysiging van artikel 78 van Wet 29 van 1989, soos gewysig deur artikel 20 van Wet 73 van 1991 45

21. Artikel 78 van die Hoofwet word hierby gewysig —

(a) deur paragraaf (b) deur die volgende paragraaf te vervang:

“(b) 'n operateurskaart wat aan hom uitgereik is veilig bewaar en teen diefstal beskerm, en indien die kaart verloor, gesteel of vernietig word, die naaste polisiekantoor binne 24 uur en die registrasie-owerheid [wat die kaart uitgereik het,] in wie se gebied die houer gewoonlik woonagtig is binne sewe dae nadat hy van die verlies, diefstal of vernietiging bewus geword het of nadat redelikerwys verwag kon word dat hy van 50

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(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

5 (3) The Minister may after considering the appeal give such decision as he may deem fit.”.

**Amendment of section 62 of Act 29 of 1989, as amended by section 15 of Act 73 of 1991**

18. Section 62 of the principal Act is hereby amended by the deletion of 10 subsection (4).

**Amendment of section 74 of Act 29 of 1989, as amended by section 17 of Act 73 of 1991**

19. Section 74 of the principal Act is hereby amended by the substitution for subsections (4), (5) and (6) of the following subsections:

15 “(4) If the registering authority concerned is satisfied with the notification referred to in subsection (2) or (3), as the case may be, it shall, in such circumstances as the Administrator may determine, submit the particulars of the designated person to the Administrator concerned within seven days after receipt thereof.

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

25 (6) (a) The Administrator shall, if satisfied that the designated person should be registered as the operator, register such person in the prescribed manner as the operator of the motor vehicle notify the registering authority accordingly.

30 (b) The registering authority referred to in paragraph (a) shall in the prescribed manner register the designated person concerned accordingly as the operator.”.

**Amendment of section 75 of Act 29 of 1989, as amended by section 18 of Act 73 of 1991**

20. Section 75 of the principal Act is hereby amended—

35 (a) by the substitution for subsection (1) of the following subsection:

“(1) The Administrator shall provide to the registering authority concerned, shall in respect of each motor vehicle contemplated in section 74 issue an operator card in the prescribed manner and upon payment of the prescribed fee: Provided that where any operator card of a specific operator is suspended, the registering authority shall not issue any new operator card to such operator until the period of suspension has lapsed.”; and

40 (b) by the deletion of subsection (2).

**Amendment of section 78 of Act 29 of 1989, as amended by section 20 of Act 73 of 1991**

21. Section 78 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of the following paragraph:

50 “(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 whose area the holder is ordinarily resident within seven days after having become aware of such loss, theft or destruction or after it could reasonably be expected that he should have

- bedoelde verlies, diefstal of vernietiging bewus moes wees,  
watter gebeurtenis ook al eerste plaasgevind het, in kennis  
stel;”;
- (b) deur die woord “en” aan die einde van paragraaf (e) te skrap;  
(c) deur die woord “en” by paragraaf (f) te voeg; en  
(d) deur die volgende paragraaf by te voeg:  
“(g) alle redelike maatreëls tref om te verseker dat sodanige  
motorvoertuig gebruik word op ’n openbare pad met nako-  
ming van die bepalings vir die laai en vervoer van goedere  
soos kragtens Hoofstuk XI voorgeskryf.”.

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### Vervanging van artikel 88 van Wet 29 van 1989

22. Artikel 88 van die Hoofwet word hierby deur die volgende artikel vervang:

#### “Bevoegdheid van plaaslike owerheid om parkeergelde in te vorder

88. (1) ’n Plaaslike owerheid kan, by besluit, gelde vorder ten 15  
opsigte van die parkering van voertuie op enige openbare pad of  
gedeelte daarvan binne sy regsgebied **[en moet, ten einde sodanige  
gelde in te vorder, parkeermeters installeer]**.

(2) Die gelde genoem in subartikel (1) kan verskil ten opsigte van 20  
verskillende openbare paaie of verskillende gedeeltes van dieselfde  
openbare pad.

(3) (a) Indien ’n parkeermeter **[genoem in subartikel (1) moet]**  
geinstalleer word **vir die doel om gelde bedoel in subartikel (1) in te  
vorder, [om] moet dit gepaard [te] gaan met ’n afgemerkte [parkeer-  
plek] parkeervak of parkeervakke en moet dit ’n opskrif daarop hê**  
wat die dae en ure aandui wanneer vir parkering betaal moet word en 25  
die bedrag betaalbaar vir ’n spesifieke parkeertydperk.

(b) Indien ’n ander metode as ’n parkeermeter gebruik word om die 30  
gelde bedoel in subartikel (1) in te vorder, moet voorsiening gemaak  
word vir ’n teken wat vertoon word by die betrokke parkeerarea en  
wat die dae en ure aandui wanneer vir parkering betaal moet word, die  
bedrag betaalbaar vir ’n spesifieke parkeertydperk en die wyse  
waarop betaling vir ’n spesifieke parkeertydperk gemaak moet word.

(4) (a) Die tydperk wat ’n voertuig wettig in ’n **[parkeerplek]**  
**parkeervak** genoem in subartikel (3)(a) geparkeer kan word, is, tensy 35  
die teendeel bewys word, soos gemeet deur die parkeermeter vir  
sodanige **[plek] parkeervak**.

(b) Indien ’n ander metode as ’n parkeermeter gebruik word om die 40  
gelde bedoel in subartikel (1) in te vorder, is die tydperk wat ’n voertuig  
wettig in ’n parkeerarea genoem in subartikel (3)(b) geparkeer kan word,  
tensy die teendeel bewys word, soos gemeet deur middel van die  
betrokke metode ten opsigte van die betrokke voertuig.

(5) Enige plaaslike owerheid kan op ’n openbare pad binne sy 45  
regsgebied staanplekke of standplase (wat as spesiale parkeerplekke  
bekend staan) inruim vir die parkering van passasiersdraende  
motorvoertuie of enige klas daarvan, soos voorgeskryf, en kan  
verordeninge vir die reël en beheer van die gebruik van daardie  
spesiale parkeerplekke uitvaardig—

(a) om voorsiening te maak vir die uitreiking van permitte waarvol-  
gens bepaalde spesiale parkeerplekke of onderverdelings daar-  
van aan sekere persone of voertuie toegeken word vir hul 50  
uitsluitlike gebruik;

(b) om die gebruik van enige spesiale parkeerplek of onderverdeling  
aldus toegeken, deur enige ander persoon of voertuig te verbied;

(c) om gelde ten opsigte van die gebruik van spesiale parkeerplekke  
te vorder; en

(d) om voorsiening te maak vir sake wat daarmee in verband staan:  
Met dien verstande dat in enige permit of enige hernuwing daarvan  
voorsiening gemaak kan word vir die beperking van die ure  
waartydens die houer die uitsluitlike gebruik van ’n bepaalde spesiale

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been aware of such loss, theft or destruction, whichever event occurred first;”.

5 (b) by the deletion of the word “and” at the end of paragraph (e);

(c) by the addition to paragraph (f) of the word “and”; and

(d) by the addition of the following paragraph:

“(g) take all reasonable measures to ensure that such motor vehicle is used on a public road in compliance with the provisions for the loading and transportation of goods as prescribed under Chapter XI.”.

#### 10 Substitution of section 88 of Act 29 of 1989

22. The following section is hereby substituted for section 88 of the principal Act:

##### **“Power of local authority to collect parking fees**

15 88. (1) A local authority may, by resolution, charge fees in respect of the parking of vehicles on any public road or section thereof within its area of jurisdiction [ , and shall for the purpose of collecting any such fees, install parking meters].

20 (2) The fees referred to in section (1) may differ in respect of different public roads or different sections of the same public road.

25 (3) (a) [A] If a parking meter [referred to in subsection (1) shall] is installed for the purpose of collecting fees referred to in subsection (1), it shall be installed in conjunction with a demarcated parking [place] bay or bays and shall bear thereon a legend indicating the days and hours when payment shall be made for parking and the amount payable for a specific period of parking.

30 (b) If any method other than a parking meter is used to collect the fees referred to in subsection (1), provision shall be made for a sign to be displayed at the parking area concerned indicating the days and hours when payment shall be made for parking, the amount payable for a specific period of parking and the manner of payment for a specific period of parking.

35 (4) (a) The period of time for which a vehicle may be lawfully parked in a parking [place] bay referred to in subsection (3)(a), shall, unless the contrary is proved, be as measured by the parking meter for such [place] bay.

40 (b) If any method other than a parking meter is used to collect the fees referred to in subsection (1), the period of time for which a vehicle may be lawfully parked in a parking area referred to in subsection (3)(b), shall, unless the contrary is proved, be as measured by means of the method concerned in respect of the vehicle concerned.

45 (5) Any local authority may establish upon a public road within the area of its jurisdiction ranks or stands (to be known as special parking places) for the parking of passenger-carrying motor vehicles or any class of such vehicles as prescribed, and may make by-laws for the regulation and control of the use of those special parking places—

50 (a) to provide for the issue of permits allocating particular special parking places or subdivisions thereof to particular persons or vehicles for their exclusive use;

(b) to prohibit the use of any special parking place or subdivision so allocated by any other person or vehicle;

(c) to charge fees in respect of the use of special parking places; and

55 (d) to provide for matters incidental thereto:  
Provided that provision may be made in any permit or in any renewal thereof for the limitation of the hours during which the holder shall

parkeerplek het en waartydens die gebruik daarvan deur enige ander persoon of voertuig verbied word.

(6) By die eerste toekenning van enige spesiale parkeerplek of onderverdeling bedoel in subartikel (5), moet die plaaslike owerheid sover moontlik die tydperk in ag neem wat die aansoeker daarom al besig is om passasiers met die betrokke klas voertuig teen betaling te vervoer.

(7) Verordeninge ingevolge subartikel (5) moet voorsiening maak vir die jaarlikse hernuwing van die reg om so 'n spesiale parkeerplek of onderverdeling daarvan te gebruik, onderworpe aan die aansoeker se goede gedrag.

(8) Alle gelde wat 'n plaaslike owerheid deur middel van 'n parkeermeter of ten opsigte van 'n parkeerarea of 'n spesiale parkeerplek invorder, soos in hierdie artikel beoog, moet, uitgesonderd met die goedkeuring van die betrokke Administrateur, slegs gebruik word ter bestryding van die koste van en in verband met enige skema, werk of onderneming ter verbetering of reëling van verkeerstoestande binne die gebied van daardie plaaslike owerheid, met inbegrip van die koste van die installering en onderhoud van so 'n parkeermeter, parkeerarea of spesiale parkeerplek.

(9) Die uitoefening deur 'n plaaslike owerheid van sy bevoegdhede ingevolge hierdie artikel stel die owerheid nie aanspreeklik ten opsigte van die verlies of beskadiging van enige voertuig of die inhoud of toebehore van so 'n voertuig terwyl dié voertuig in 'n parkeervak, parkeerarea of spesiale parkeerplek is nie.”.

#### Wysiging van artikel 91 van Wet 29 van 1989

**23.** Artikel 91 van die Hoofwet word hierby gewysig deur subartikel (6) te skrap.

#### Wysiging van artikel 106 van Wet 29 van 1989

**24.** Artikel 106 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Niemand wat 'n lokomotief of toestel genoem in subartikel (1) bestuur of onder sy toesig het, mag dit op 'n openbare pad tot stilstand laat kom of toelaat dat dit tot stilstand kom op 'n wyse wat verkeer op daardie pad versper of hinder nie: Met dien verstande dat die bepalings van hierdie subartikel nie van toepassing is nie op 'n lokomotief of toestel genoem in subartikel (1) wat tydelik—

- (a) ter nakoming van 'n opdrag of instruksie, hetsy skriftelik of andersins, of 'n handsein of enige ander sein met betrekking tot die gebruik van sodanige lokomotief of toestel;
- (b) vir die doel van die oplaai of aflaai van goedere of persone by enige plek; of
- (c) vir rangeerdeoeleindes,  
op 'n openbare pad tot stilstand gebring word.”.

#### Wysiging van artikel 130 van Wet 29 van 1989

**25.** Artikel 130 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) By die toepassing van subartikels (1) en (2) en artikel 149A word daar vermoed, totdat die teendeel bewys word, dat, waar die eienaar van die betrokke voertuig 'n regspersoon is, sodanige voertuig deur 'n direkteur of dienaar van die regspersoon bestuur of geparkeer is, soos in daardie subartikels beoog, of gebruik is, soos in daardie artikel beoog, by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte as sodanige direkteur of dienaar, of ter bevordering of gepoogde bevordering van die belang van die regspersoon.”.

have the exclusive use of a particular special parking place and during which the use thereof by any other person or vehicle is prohibited.

5 (6) In the first allocation of any special parking place or subdivision referred to in subsection (5), the local authority shall as far as possible have regard to the length of time during which the applicant therefor has been engaged in the business of transporting passengers for reward by the class of vehicle concerned.

10 (7) By-laws made in terms of subsection (5) shall provide for the annual renewal, subject to the good conduct of the applicant, of the right to use any such special parking place or subdivision thereof.

15 (8) All fees collected by a local authority by means of a parking meter, or in respect of any parking area or special parking place as contemplated in this section, shall, except with the approval of the Administrator concerned, be used only to defray the cost of, and incidental to, any scheme, work or undertaking for the improvement or regulation of traffic conditions within the area of such local authority, including the costs of installing and maintaining any such parking meter, parking area or special parking place.

20 (9) The exercise by a local authority of its powers under this section shall not render the authority subject to any liability in respect of the loss of or damage to any vehicle or the contents or fittings of any such vehicle while such vehicle is in a parking bay, parking area or special parking place.”.

## 25 Amendment of section 91 of Act 29 of 1989

23. Section 91 of the principal Act is hereby amended by the deletion of subsection (6).

## Amendment of section 106 of Act 29 of 1989

24. Section 106 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) No person driving or being in charge of any locomotive or device mentioned in subsection (1), shall cause or allow it to be stopped on a public road in such a manner as to obstruct or hinder traffic on such road: Provided that the provisions of this subsection shall not apply to a locomotive or device mentioned in subsection (1) which is temporarily stopped on a public road—

- (a) in compliance with an order or instruction, whether in writing or otherwise, or a hand signal or any other signal in relation to the use of such locomotive or device;
- 40 (b) for the purpose of loading or off-loading goods or allowing persons to board or alight at any place; or
- (c) for shunting purposes.”.

## Amendment of section 130 of Act 29 of 1989

25. Section 130 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of subsections (1) and (2) and section 149A it shall be presumed, until the contrary is proved, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those subsections, or used, as contemplated in that section, by a director or servant of the corporate body in the exercise of his powers or in the performance of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.”.

**Wysiging van artikel 132 van Wet 29 van 1989, soos gewysig deur artikel 23 van Wet 73 van 1991****26. Artikel 132 van die Hoofwet word hierby gewysig—**

- (a) deur in subartikel (5) die uitdrukings "R8 000" en "twee jaar" in paragraaf (a) onderskeidelik deur die uitdrukings "R24 000" en "ses jaar" te vervang; en 5
- (b) deur in subartikel (5) die uitdrukings "R2 000" en "ses maande" in paragraaf (b) onderskeidelik deur die uitdrukings "R4 000" en "een jaar" te vervang.

**Wysiging van artikel 133 van Wet 29 van 1989**

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**27. Artikel 133 van die Hoofwet word hierby gewysig deur paragraaf (o) van subartikel (1) te skrap.****Invoeging van artikel 133A in Wet 29 van 1989****28. Die volgende artikel word hierby in die Hoofwet na artikel 133 ingevoeg:****"Plaaslike owerheid mag gelde vasstel**

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**133A. 'n Plaaslike owerheid mag, by spesiale besluit, die geldie vasstel wat gevorder mag word vir enige doel beoog in artikel 133.****Invoeging van artikel 148A in Wet 29 van 1989****29. Die volgende artikel word hierby in die Hoofwet na artikel 148 ingevoeg:****"Beslaglegging op voertuie**

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**148A. (1) Behoudens subartikel (2) kan 'n verkeersbeampte beslag lê op 'n voertuig of 'n voertuig met sy vrag wat gebruik word by of op redelike gronde vermoed word gebruik te word by die pleging of vermeende pleging van 'n misdryf ingevolge hierdie Wet.****(2) Die wyse en voorwaardes ten opsigte van die beslaglegging op, bewaring van en beskikking oor 'n voertuig of 'n voertuig met sy vrag bedoel in subartikel (1) is soos voorgeskryf.** 25**Wysiging van artikel 149 van Wet 29 van 1989, soos gewysig deur artikel 28 van Wet 73 van 1991****30. Artikel 149 van die Hoofwet word hierby gewysig—**

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- (a) deur in subartikel (2) die uitdrukings "R8 000" en "twee jaar" onderskeidelik deur die uitdrukings "R24 000" en "ses jaar" te vervang;
- (b) deur in subartikel (3) die uitdrukings "R4 000" en "een jaar" onderskeidelik deur die uitdrukings "R12 000" en "drie jaar" te vervang; 35
- (c) deur in subartikel (4) die uitdrukings "R12 000" en "drie jaar" in paragraaf (a) onderskeidelik deur die uitdrukings "R36 000" en "nege jaar" te vervang;
- (d) deur in subartikel (4) die uitdrukings "R4 000" en "een jaar" in paragraaf (b) onderskeidelik deur die uitdrukings "R12 000" en "drie jaar" te vervang; 40
- (e) deur in subartikel (4) die uitdrukings "R2 000" en "ses maande" in paragraaf (c) onderskeidelik deur die uitdrukings "R4 000" en "een jaar" te vervang;
- (f) deur in subartikel (5) die uitdrukings "R8 000" en "twee jaar" in paragraaf (a) onderskeidelik deur die uitdrukings "R24 000" en "ses jaar" te vervang; 45
- (g) deur in subartikel (5) die uitdrukings "R4 000" en "een jaar" in paragraaf (b) onderskeidelik deur die uitdrukings "R12 000" en "drie jaar" te vervang; en 50

**Amendment of section 132 of Act 29 of 1989, as amended by section 23 of Act 73 of 1991**

26. Section 132 of the principal Act is hereby amended—

- 5 (a) by the substitution in subsection (5) for the expressions “R8 000” and “two years” in paragraph (a) of the expressions “R24 000” and “six years”, respectively; and
- (b) by the substitution in subsection (5) for the expressions “R2 000” and “six months” in paragraph (b) of the expressions “R4 000” and “one year”, respectively.

10 **Amendment of section 133 of Act 29 of 1989**

27. Section 133 of the principal Act is hereby amended by the deletion of paragraph (o) of subsection (1).

**Insertion of section 133A in Act 29 of 1989**

28. The following section is hereby inserted after section 133 of the principal 15 Act:

**“Local authority may determine fees**

**133A. A local authority may, by special resolution, determine the fees to be charged for any purpose contemplated in section 133.”**

**Insertion of section 148A in Act 29 of 1989**

20 29. The following section is hereby inserted after section 148 of the principal Act:

**“Seizure of vehicles**

25 **148A. (1) Subject to subsection (2) a traffic officer may seize a vehicle or 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 this Act.**

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

30 **Amendment of section 149 of Act 29 of 1989, as amended by section 28 of Act 73 of 1991**

30. Section 149 of the principal Act is hereby amended—

- 35 (a) by the substitution in subsection (2) for the expressions “R8 000” and “two years” of the expressions “R24 000” and “six years”, respectively;
- (b) by the substitution in subsection (3) for the expressions “R4 000” and “one year” of the expressions “R12 000” and “three years”, respectively;
- 40 (c) by the substitution in subsection (4) for the expressions “R12 000” and “three years” in paragraph (a) of the expressions “R36 000” and “nine years”, respectively;
- (d) by the substitution in subsection (4) for the expressions “R4 000” and “one year” in paragraph (b) of the expressions “R12 000” and “three years”, respectively;
- 45 (e) by the substitution in subsection (4) for the expressions “R2 000” and “six months” in paragraph (c) of the expressions “R4 000” and “one year”, respectively;
- (f) by the substitution in subsection (5) for the expressions “R8 000” and “two years” in paragraph (a) of the expressions “R24 000” and “six years”, respectively;
- 50 (g) by the substitution in subsection (5) for the expressions “R4 000” and “one year” in paragraph (b) of the expressions “R12 000” and “three years”, respectively; and

- (h) deur in subartikel (6) die uitdrukkings "R2 000" en "ses maande" onderskeidelik deur die uitdrukkings "R4 000" en "een jaar" te vervang.

### Invoeging van artikel 149A in Wet 29 van 1989

31. Die volgende artikel word hierby in die Hoofwet na artikel 149 ingevoeg: 5

#### "Verbeurdverklaring"

**149A.** (1) Die hof wat iemand skuldig bevind weens 'n misdryf ingevolge artikel 149(1) saamgelees met artikel 76, of 'n regulasie kragtens artikel 132(1)(d), (l), (n) of (q), kan, sonder kennisgewing aan enigiemand, 'n voertuig of sy vrag of albei wat gebruik is by die pleging van die misdryf en wat ingevolge die bepalings van hierdie Wet in beslag geneem is, of die veroordeelde se regte in sodanige voertuig of vrag of albei, aan die Staat verbeurd verklaar: Met dien verstande dat die verbeurdverklaring geen inbreuk maak op enige reg wat iemand anders as die veroordeelde op die betrokke voertuig of sy vrag of albei het nie, indien bewys word dat daardie ander persoon nie geweet het dat daardie voertuig of sy vrag of albei by die pleging van die betrokke misdryf gebruik was of sou word nie, of dat hy sodanige gebruik nie kon verhoed nie.

(2) Artikel 35(4) van die Strafproseswet, 1977 (Wet No. 51 van 1977), is *mutatis mutandis* van toepassing met betrekking tot 'n verbeurdverklaring kragtens subartikel (1), en by sodanige toepassing word die uitdrukking 'wapen, werktuig, voertuig, houer of ander voorwerp' in daardie artikel uitgelê as 'voertuig of sy vrag of albei'.

### Kort titel en inwerkingtreding

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32. (1) Hierdie Wet heet die Tweede Wysigingswet op Padverkeer, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word, en datums aldus bepaal, kan verskil ten opsigte van 30 verschillende—

- (a) persone of goedere of kategorieë persone of goedere wat deur middel van 'n motorvoertuig vervoer word;
- (b) soorte of klasse motorvoertuie wat by die vervoer van persone of goedere gebruik word;
- (c) persone of kategorieë persone; of
- (d) gebiede in die Republiek.

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(3) Meer as een van die elemente vermeld in paragrawe (a) tot en met (d) van subartikel (2) kan by die toepassing van daardie subartikel saamgevoeg word.

## ROAD TRAFFIC SECOND AMENDMENT ACT, 1992

Act No. 40, 1992

- (h) by the substitution in subsection (6) for the expressions "R2 000" and "six months" of the expressions "R4 000" and "one year", respectively.

**Insertion of section 149A in Act 29 of 1989**

5 31. The following section is hereby inserted after section 149 of the principal Act:

**"Forfeiture"**

10 **149A. (1)** The court convicting any person of an offence in terms of section 149(1) read with section 76, or a regulation under section 132(1)(d), (l), (n) or (q), may, without notice to any person, declare a vehicle or its load or both which was or were used in the commission of the offence and which was or were seized under the provisions of this Act, or the convicted person's rights in such vehicle or load or both, to be forfeited to the State: Provided that such declaration shall not affect any right which any person other than the convicted person may have to the vehicle or load or both, if it is proved that that other person did not know that that vehicle or its load or both was or were being used or would be used in the commission of the offence concerned, or that he could not prevent such use.

15 20 25 **(2)** Section 35(4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall *mutatis mutandis* apply with reference to any forfeiture under subsection (1), and in such application the expression 'weapon, instrument, vehicle, container or other article' in that section shall be construed as 'vehicle or its load or both'."

**Short title and commencement**

30 32. (1) This Act shall be called the Road Traffic Second Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act, and dates so fixed may differ in respect of different—

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

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

