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General Notice

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GENERAL NOTICE

NOTICE 135 OF 2011**DEPARTMENT OF TRANSPORT****NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO. 93 OF 1996)****AMENDMENT OF THE NATIONAL ROAD TRAFFIC REGULATIONS**

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

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S'busiso Joel Ndebele
Minister of Transport

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the National Road Traffic Regulations published in Government Notice No. R. 225 of 17 March 2000, as amended by Government Notice No's. R. 761 of 31 July 2000, R. 941 of 22 September 2000, R. 726 of 3 August 2001, R. 2116 of 5 October 2001, R. 779 of 4 June 2002, R. 1341 of 25 September 2003, R. 881 of 23 July 2004, R871 of 2 September 2005, R1066 of 23 November 2005, R1318 of 2 December 2005, R1319 of 2 December 2005, R891 of 4 September 2006, R964 of 29 September 2006, R404 of 4 May 2007, R865 of 28 September 2007, R589 of 27 May 2009 and R359 of 12 May 2010.

Amendment of regulation 35 of the Regulations

2. Regulation 35 of the Regulations is hereby amended by the substitution for the proviso clause after subregulation (7), (f) of the following proviso clause:

"Provided that no person shall operate on a public road a motor vehicle first registered on or after 1 August 2010, unless the number plate fixed to such motor vehicle is affixed within 20 millimetres from the edges by means of 4 millimetres rivets or 4 millimetres one-way self tapping screws either directly onto the motor vehicle or an integral part thereof or onto an intermediate holding bracket which complies with the provisions of SANS 973 "Number Plate Carrier" approved by the Department of Transport, and which is attached to the motor vehicle in such a way that it cannot be removed while the number plate is affixed to it in the aforesaid manner."

Amendment of regulation 99 of the Regulations

3. Regulation 99 of the Regulations is hereby amended by the deletion of the word "motor quadrucycle" wherever it appears in regulation 99."

Amendment of regulation 110 of the Regulations

4. Regulation 110 of the Regulations is hereby amended by –

- (a) the substitution for the phrase in subregulation (1) "**Subject to subregulation (3)**" of the phrase "**Subject to subregulation(1A) and (3)**";

- (b) the insertion of the following subregulation after subregulation (1):

"(1A) For the purpose of subregulation (1) the phrase "**not permanently or ordinarily resident in the Republic**" means being outside the borders of South Africa for an uninterrupted period of more than three months."

- (c) the substitution for paragraph (a) of subregulation (3) of the following paragraph:

"(a) returns to the Republic to resume permanent residence, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, if it becomes invalid in the country or territory of issue; or"

- (d) the substitution for paragraph (b) of subregulation (3) of the following paragraph:

"(b) obtains permission in terms of any law for permanent residence in the Republic, such licence or permit shall no longer be deemed to be a valid licence for the purposes of Chapter IV of the Act, if it becomes invalid in the country or territory of issue."

- (e) the addition after paragraph (b) of the following proviso clause

"Provided that the period of validity of such driving licence shall not exceed a period of five years from the date when such person is granted permanent residence status in the Republic."

Amendment of regulation 138 of the Regulations

5. Regulation 138 of the regulations is amended by-

- (a) the substitution for paragraph (j) of subregulation (1) of the following paragraph:

"(j) motor vehicle regarded to be unroadworthy in terms of regulation 147 (7) (a) due to no reaction within 35 days after issue of notice referred to in the regulation,

unless such motor vehicle is certified to be roadworthy as referred to in regulation 141 (2) , within a period of 21 days prior to such vehicle being licensed."

- (b) the substitution for paragraph (c) of subregulation (3) of the following paragraph:

"(c) a motor vehicle other than a motor vehicle referred to in regulation 142 (1) of which the owner has changed within 21 days after the date of liability for the first licensing of such motor vehicle; or

Amendment of regulation 139 of the Regulations

6. Regulation 139 of the Regulations is hereby amended by the addition of the following paragraph after paragraph (b) of subregulation (1):

“(c) in a case of a minibus or midibus operating for reward, a duly completed form DSCD for the fitment of a vehicle directional stability by an approved fitment centre as shown in Schedule 2.”.

Amendment of regulation 141 of the Regulations

7. Regulation 141 of the Regulations is hereby amended by:

(a) the insertion of the following proviso clause after paragraph (b) of subregulation (2):

“Provided that in a case of a minibus or midibus operating for reward, the examiner of motor vehicles shall, before certifying such motor vehicle as roadworthy as contemplated in regulation 212(o), request a duly completed form DSCD by an approved fitment centre as shown in Schedule 2.”.

(b) the substitution for subregulation (4) of the following subregulation:

“(4) If the examiner of vehicles is not satisfied that the motor vehicle is road worthy, such examiner may allow the applicant to have one retest for such motor vehicle, within a period fixed by him or her, but not exceeding 14 days after the date of such examination and testing, to remedy any defect in such vehicle, and if such examiner of vehicles is thereafter so satisfied, he or she shall act in terms of subregulation (2).”.

Amendment of regulation 200 of the Regulations

8. Regulation 200 of the regulations is amended by the substitution for paragraph (e) of subregulation (2) of the following paragraph:

“(e) the owner of a motor vehicle referred to in subregulation (2)(b) may dispose of or transfer ownership of such motor vehicle and such motor vehicle may be registered in the name of a new owner.”.

Amendment of regulation 240 of the Regulations

9. Regulation 240 of the regulations is amended by:-

(a) the substitution for paragraph (g) of the following paragraph:

“(g) the axle massload of an axle unit which consists of three or more axles, each of which are fitted with four wheels, exceeds 24 000 kilograms; and

(b) the addition of the following paragraph after paragraph (g):

“(h) The axle mass load of an axle-unit which consists of two axles, one of which is a drive axle with four wheels and the other is an axle with two wheels, and which is fitted to a rapid transport bus, if the sum of the two axle mass loads exceeds 18 200 kilograms.”.

Amendment of regulation 296A of the Regulations

10. Regulation 296A of the regulations is amended by the substitution for subregulation (3) of the following subregulation:

“(3) No person shall operate a motor vehicle on a rapid transport lane, other than a rapid transport bus and rapid transport bus-train which forms part of a bus rapid transport system. Provided that the driver of a vehicle may only enter such rapid transport lane, under circumstances mentioned in regulation (1) (a), (b), (c) and (d).”.

Amendment of regulation 305 of the Regulations

11. Regulation 305 of the regulations is amended by the substitution for subregulation (7) of the following subregulation:

“(7) No person other than a disabled person or a driver of a motor vehicle conveying disabled persons, which motor vehicle is issued with a sticker for conveying disabled persons shall park on a parking bay reserved for disabled persons.”.

Amendment of regulation 332 of the Regulations

12. Regulation 332 of the regulations is amended by the substitution for subregulation of the following subregulation:

“332. (1) The following equipment are prescribed equipment in terms of section 65(7) of the Act, complies with SABS 1793: Evidential Breath Testing Equipment or SANS 1793: Evidential Breath Testing Equipment and may be used to ascertain the concentration of alcohol in breath -

- (a) Dräger Alcotest 7110 MK III Part No 8314647 (Germany);
- (b) Dräger Alcotest 7110 MK IV Part No 35307791 (Australia); and
- (c) Intoxilyzer 8000.

(2) In any prosecution for an offence under section 65(5) of the Act, a certified copy of a certificate issued by the manufacturer or supplier of the equipment referred to in subregulation (1) or (3), that contains the make and model of the equipment and a statement that such equipment is of such make and model and complies with the

requirements of the specifications referred to in subregulation (1), shall in absence of evidence to the contrary, by mere production thereof, be prima facie evidence that such equipment is of such make and model and complies with such specifications.

(3) Notwithstanding the provisions of subregulation (1), any equipment that is not referred to such subregulation, shall be considered prescribed equipment in terms of section 65(7), subject to such equipment being type-approved in terms of SANS 1793: Evidential breath testing equipment as contemplated in subregulation (4).

(4) For the purpose of this regulation, type-approved and type-approval means that one example of a specific make and model of equipment has been tested in terms of SANS 1793: "Evidential Breath Testing Equipment" by a test laboratory accredited by the South African National Accreditation System (SANAS) for such purpose, and a test report indicating compliance with such specification is issued to the manufacturer or supplier in respect of such make and model of equipment."

Amendment of regulation 332A of the Regulations

13. Regulation 332A of the regulations is amended by the substitution for subregulation of the following subregulation:

"Presumption regarding calibration or verification certificate for equipment used for road traffic law enforcement purposes

332A. Where in any prosecution for an alleged offence in terms of this Act, it is necessary to prove that any equipment used for road traffic law enforcement purposes, was calibrated or verified to establish the accuracy and traceability, of such equipment, a certificate issued by a laboratory that is accredited for the purpose of issuing such certificates and conducting the tests required for such calibration or verification, by the

South African National Accreditation System (SANAS), shall in absence of evidence to the contrary, by mere production thereof be prima facie evidence as to such calibration or verification.”.

Amendment of Schedule 2 of the Regulations

14. Schedule 2 is hereby amended by:

(a) the insertion of the following form:

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**MOTORVOERTUIGLISENSIE, LISENSIESKYF EN
PADWAARDEGHEIDSCERTIFIKAAT EN
OPERATEURSKAART**
(Nasionale Padvevoerswet, 1951)

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Short title and commencement

- 14.** These regulations are published for comments
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