



GOVERNMENT GAZETTE

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Government Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 97 2001

AMENDMENT OF ROAD TRAFFIC AND TRANSPORT REGULATIONS, 2001: ROAD TRAFFIC AND TRANSPORT ACT, 1999 (ACT NO. 22 OF 1999)

The Ministry of Works, Transport and Communication has under section 91 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), made the regulations set out in the Schedule.

SCHEDULE

1. In these regulations, unless the context otherwise indicates -

“the Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999); and

“the Regulations” means the Road Traffic and Transport Regulations, 2001, published under Government Notice No. 53 of 30 March 2001.

2. The following item is substituted for Item 14 of Schedule 4 to the Regulations:

“14. (1) Subject to the subitem (3), a licence referred to in section 41(1)(a) of the Act is during the period of validity thereof in the country of issue, deemed to be a valid licence for the purposes of Chapter 4 of the Act if -

- (a) (i) the licence has been issued in English; or
- (ii) a certificate of validity relating to the licence, issued in English by a competent authority, or a translation of that licence in English by a sworn translator, is attached thereto; and
- (b) the licence contains or has attached thereto a photograph and the signature of the holder thereof.

(2) Subject to subitem (3) an international driving permit referred to in section 41(1)(b) of the Act is deemed to be a valid licence for the purposes of Chapter 4 of the Act for the period of validity thereof and subject to the conditions under which it was issued.

(3) The period as contemplated in section 41(2) of the Act for which a licence referred to in subitem (1) must be deemed to be a licence for the purpose of Chapter 4 of the Act must -

- (a) in relation to a Namibian citizen holding such a licence, be -
 - (i) 12 months from the date of publication of Government Notice No. 97 of 2001; or
 - (ii) if such a citizen returns to Namibia after that date of publication, 12 months from the date of his or her entry into Namibia;
- (b) in relation to any other person permanently resident in Namibia under a permanent residence permit issued under the Immigration Control Act, 1993 -
 - (i) 12 months from the date of publication of Government Notice No. 97 of 2001; or
 - (ii) if such a person becomes permanently resident after that date of publication, 12 months after the date of issue to him or her of a permanent residence permit under that Act.

(4) A licence referred to in subitem (1) or an international driving permit as referred to in subitem (2) may, at any time during the period of validity thereof in the country of issue, be exchanged for a licence issued in terms of Chapter 4 of the Act.

(5) An application for the replacement of a licence or permit in terms of section 41(3) of the Act must be made on a form approved by the Minister and must be accompanied by the licence to be replaced.

- (6) (a) Subject to paragraph (b), the driving testing centre concerned, must on receipt of an application referred to in subitem (4), issue a driving licence of the class or classes of motor vehicles referred to in item 2 or 3 of this Schedule, to which that licence relates.
- (b) The driving testing centre concerned, must subject to the Convention, issue the licence referred to in paragraph (a) in the manner referred to in item 8 or 11 of this Schedule if it is satisfied that -
 - (i) the applicant is the holder of the licence or permit referred to in subregulation (1); and

(ii) the licence is still valid in the country of issue.

(7) If there is a dispute as to the class in respect of which a driving licence has been issued in terms of subitem (6)(a), the Minister must determine the class of the licence.

(8) Notwithstanding the provisions of this regulation, the holder of a driving licence issued in a country determined by the Minister in the *Gazette*, must be tested in accordance with item 7 or 9 before a driving licence may be issued to him or her in terms of subitem (6).

(9) Notwithstanding subitem (5), if an application for the replacement of a licence is made before 28 September 2001 -

(a) the application may, if the original licence has been lost or stolen, be accompanied by a certified copy of that licence or a verification from the issuing authority that such a licence has been issued to the applicant concerned;

(b) the replacement licence must be issued to the applicant free of charge.

(10) An application made in accordance with subitem (9)(a) may not be considered after 28 September 2001, except with the approval of the Minister.”

3. Regulation 383 of the Regulations is repealed.
