

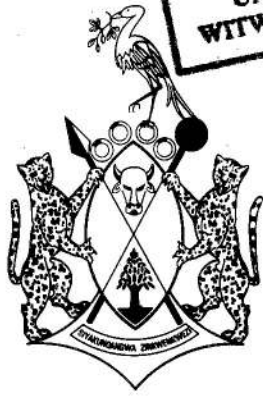
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**REPUBLIC OF
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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 38 OF 1991

It is hereby notified that the Chairman of the Council of State has assented to the following decree which is hereby published for general information: -

ROAD SAFETY DECREE, 1991

Decree No. 11 of 1991

COUNCIL OF STATE — REPUBLIC OF CISKEI

ROAD SAFETY DECREE, 1991

DECREE

To provide for the promotion of road safety and for that purpose to establish a road safety fund and a road safety advisory council, to repeal the Road Safety Act, 1984 and to provide for incidental matters.

[English text signed by the Chairman of the Council of State. Assented to on 3 July 1991.]

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

1. Definitions. - In this decree, unless the context indicates otherwise -

"Advisory Council" means the Road Safety Advisory Council established by section 5;

"Ciskei" means the Republic of Ciskei;

"Fund" means the Ciskeian Road Safety Fund established by section 2;

"Minister" means the Minister of Transport;

"Road Safety Council" means the Road Safety Council disestablished by section 7 (a);

"the Department" means the Department of Transport;

"Treasury" means the Minister of Finance and Economic Development and includes any officer of his department acting under his authority.

2. Establishment of Ciskeian Road Safety Fund. - There is hereby established a fund, to be known as the Ciskei Road Safety Fund, which will be credited with -

(a) all moneys which in terms of section 7 (b) become an asset of the Fund;

(b) all moneys received by the Fund by virtue of the provisions of section 8;

(c) all moneys lawfully appropriated from the Ciskeian Revenue Fund for the purposes of the Fund; and

(d) all other moneys which may accrue to the Fund from any other source.

3. Purpose of the Fund. - The moneys of the Fund shall subject to the provisions of this decree, be utilised by the Department -

(a) to promote road safety in all its aspects on the public roads and thoroughfares in Ciskei and in particular -

(i) to endeavour to identify any source or potential source of danger on any road and to secure its elimination;

(ii) to obtain and to keep up to date information on the condition of the roads in Ciskei and to convey such information to the media, to the travelling public or to any motoring association;

(iii) to conduct, or to co-operate with any other road safety organisation in, any campaign aimed at safety on the roads and the prevention or combating of road accidents, as well as for the rendering of assistance to the victims of any such accidents; and

(iv) to assist in financing research in connection with road safety; and

(b) to meet the expenditure arising from or incidental to the administration of this Decree.

4. Control and management of Fund and auditing thereof. - (1) The Fund shall be under the control and management of the Director-General of the Department who -

(a) in relation to the manner of utilisation of the moneys of the Fund and the attainment of its objects generally, shall act on the advice and recommendation of the Advisory Council but subject at all times to the directions of the Minister;

(b) shall ensure that proper records and accounts are kept of all payments into or out of the Fund; and

(c) shall cause to be prepared each year a statement of the income and expenditure and a balance sheet of the Fund, both as at 31 March.

ROAD SAFETY DECREE, 1991

(2) The books and accounts of the Fund, as well as the said statement of income and expenditure and balance sheet, shall be examined and audited by the Auditor-General.

(3) The Director-General of the Department may, subject otherwise to the laws governing the public service, designate officers and employees of the Department to assist him with the management and control of the Fund and the carrying out generally of the provisions of this Decree.

5. Road Safety Advisory Council. - (1) Subject the provisions of this Decree there is hereby established a Road Safety Advisory Council which shall consist of the following members, namely -

- (a) the Director-General of the Department, who shall also be the chairman;
- (b) the officer designated for the time being as chief assistant of the Director-General of the Department in terms of section 4 (3), who shall be the vice-chairman;
- (c) the Chief Traffic Officer, unless he is the officer contemplated in paragraph (b);
- (d) the Director-General: Agriculture, Forestry and Rural Development;
- (e) the Director-General: Justice;
- (f) the Director-General: Public Works; and
- (g) two other members appointed by the Minister and of whom one shall be appointed to represent the operators of buses, mini-buses or goods' vehicles conveying passengers or goods for reward in Ciskei.

(2) (a) The members of the Advisory Council appointed under paragraph (g) of sub-section (1) shall hold office at the pleasure of the Minister but for not longer than five years at any one time and on such conditions as the Minister may determine with the concurrence of the Treasury.

(b) Any such member whose period of office has expired by passage of time shall be eligible for re-appointment.

(3) A member referred to in paragraph (c), (d), (e) or (f) of subsection (1) may appoint an officer of his department or office to act as his alternate on the Advisory Council during his absence or incapacity and such alternate shall have all the rights and obligations of his principal, including the right to vote.

(4) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Advisory Council: Provided that, if both the chairman and the vice-chairman are absent from any meeting, the members then present may elect one of their number to preside at that meeting.

(5) The Advisory Council shall meet at such times and places as the chairman or, if he is absent, the vice-chairman may determine but not less often than twice in any year.

(6) Five members of the Advisory Council shall constitute a quorum.

(7) The decision of the majority of the members present at a meeting shall be the decision of the Advisory Council and, in the event of an equality of votes, the member presiding at such meeting shall also have a casting vote.

(8) The person presiding at any meeting shall cause minutes to be kept of the proceedings and a copy of such minutes shall, after confirmation of those minutes, be forwarded to the Minister for his information.

6. Functions of Advisory Council. - The Advisory Council shall -

- (a) give guidance and advice in connection with -
 - (i) road safety in general or on certain roads in particular, more especially arterial roads used extensively by holiday traffic;
 - (ii) all or any of the matters contemplated in section 3 or dealt with in the laws relating to road traffic, including the application of such laws as regards the fitness of drivers, the fitness of vehicles, road traffic signs, the rules of the road, speed limits and accidents, the presence of stray animals on roads and the provision or elimination of fences and gates; and
 - (iii) the planning and design, and the construction or reconstruction and the equipment of roads from a road safety point of view;
- (b) enquire into and report on any other matter concerning the road safety which may be referred to the Advisory Council by the Minister or other competent authority or which, in its own opinion, ought to be considered by any such authority;
- (c) perform such other tasks falling within the contemplation of this decree as the Minister may assign to it.

ROAD SAFETY DECREE, 1991

7. Disestablishment of Road Safety Council and passing of its assets and liabilities to Fund. - As from the commencement of this decree -

- (a) the Road Safety Council shall be disestablished; and
- (b) the assets and liabilities of the Road Safety Council shall become the assets and liabilities of the Fund.

8. Payment to Fund. - There shall be paid to the Fund at the relevant times the moneys which, but for the provisions of section 7, would by virtue of the provisions of section 1(2)(a) of the Central Energy Fund Act, 1977 (Act 38 of 1977) be payable to the Road Safety Council.

9. Investment of unused balances in Fund. - Moneys standing to the credit of the Fund, which are not required for immediate use or as a reasonable working balance, may be invested in such manner as may be determined by the Minister with the concurrence of the Treasury.

10. Provisions relating to unexpended balance in Fund. - Notwithstanding anything to the contrary in any other law contained, any unexpended balance in the Fund at the close of any financial year (including accrued interest on investments and other receipts) shall be carried forward as a credit in the Fund to the next succeeding financial year.

11. Repeal of Act 21 of 1984. - The Road Safety Act, 1984 is hereby repealed.

13. Short title and commencement. - This decree shall be called the Road Safety Decree, 1991 and shall come into operation on a date to be fixed by the Head of State by proclamation in the *Gazette*.

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