

No. 30 of 1967.]

ORDINANCE

To consolidate and amend the laws relating to motor vehicles and other vehicles and the regulation of traffic on public roads and to provide for matters incidental thereto.

(Assented to 19th June, 1967)

(Afrikaans text signed by the Administrator)

DIVISION OF ORDINANCE.

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BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa with the consent of the State President, in so far as such consent is necessary, previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section 26 of the South West Africa Constitution Act, 1925 (Act 42 of 1925), of the Republic of South Africa, as follows:—

PRELIMINARY.

1. In this Ordinance, unless the context otherwise indicates — Definitions.

“acquisition” includes in relation to a vehicle —

- (i) in the case of the buyer or lessee under an agreement referred to in the definition of “owner” the commencement of his right to use the vehicle, and
- (ii) in the case of the seller or lessor under an agreement referred to in the definition of “owner”, the commencement of the right of the buyer or lessee respectively to use the vehicle; “acquire” has a corresponding meaning;

“Administrator” means the Administrator of South West Africa in Executive Committee;

“appropriate registering authority” means the registering authority for the area in which the owner of any motor vehicle may register it and obtain a licence therefor as contemplated in section 8 (2) (a);

“articulated motor vehicle” means a combination of motor vehicles consisting of a truck-tractor and a semi-trailer;

“bridge” includes a culvert and a causeway;

“bus” means a motor vehicle designed or adapted solely or principally for the conveyance of persons exceeding nine in number;

“calendar month” means a period from the first to the last day of any month, inclusive of both such days;

“certificate of competence” means a certificate of competence referred to in section 64 (2);

“certificate of fitness”, in relation to a public motor vehicle, means a certificate issued in accordance with the provisions of Chapter IV and stating —

- (a) that at the date of issue thereof such vehicle was in the opinion of the issuer of such certificate, roadworthy; and
- (b) the terms and conditions under which such vehicle may be operated on a public road;

“clearance certificate” means the identification disc indicating that the licence fee in respect of a motor vehicle has been paid for a particular year;

“combination of motor vehicles” means two or more motor vehicles coupled together;

“Convention”, in relation to any territory, means the United Nations Convention on Road Traffic (Geneva, 1949) or the International Convention relative to Motor Traffic (Paris, 1926), whichever is applicable to such territory and the Territory of South West Africa and any amendment thereof;

“cross” or any like expression, means to move on a public road in a direction which would intersect the normal course of travel of traffic on such road;

“direction indicator” means a device fitted to a motor vehicle for the purpose of enabling the driver of such motor vehicle to intimate his intention to change the direction of travel of such motor vehicle to the right or to the left;

“disposal” includes in relation to a vehicle —

- (i) in the case of the buyer or lessee under an agreement referred to in the definition of “owner” the cessation of the right to use the vehicle; and

(ii) in the case of the seller or lessor under an agreement referred to in the definition of "owner", the commencement of the right of the buyer or lessee respectively to use the vehicle; and "dispose" has a corresponding meaning;

"driver" means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who guides any draught, pack or saddle animal or herd or flock of animals and "drive" or any like word has a corresponding meaning;

"driver's licence" means a driver's licence referred to in section 57;

"examiner for drivers' licences" means an examiner for drivers' licences appointed in terms of section 3 (1) (a) (iv);

"examiner of vehicles" means an examiner of vehicles appointed in terms of section 3 (1) (a) (iii);

"goods" means any movable property;

"goods vehicle" means a motor vehicle, other than a motor cycle, motor tricycle, motorcar or bus, designed or adapted for the conveyance of goods on a public road, and includes a truck-tractor;

"gross vehicle weight", in relation to a motor vehicle, means the maximum permissible weight of such vehicle and its load, as specified by the manufacturer or, in the absence of such specification, as determined by the registering authority;

"importer" means a person who, for the purpose of his business of selling motor vehicles, imports motor vehicles into the Territory;

"inspector of licences" means an inspector of licences appointed in terms of section 3 (1) (a) (ii);

"international driving permit" means an international driving permit issued in terms of the Convention or recognized thereunder;

"intersection" means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

"kerb line" means the boundary between the roadway and the verge;

"learner's licence" means a learner's licence referred to in section 57;

"left" means left reckoned by reference to the direction in or towards which the vehicle, animal or person is proceeding or facing at the material time;

"local authority" means a municipal council and a village management board;

"manufacturer" means a person who, for the purpose of his business of selling motor vehicles, manufactures or assembles new motor vehicles;

"medical practitioner" means a person registered as such under the Medical, Dental and Pharmacy Act 1928 (Act 13 of 1928) as applied to the Territory by Union Proclamation 3 of 1929;

"motor-car" means a motor vehicle, other than a motor cycle or motor tricycle, designed or adapted solely or principally for the conveyance of persons not exceeding nine in number;

"motor cycle" means a motor vehicle which has two wheels and includes any such vehicle having a side-car attached thereto;

"motor vehicle dealer" means any person who —

- (a) is engaged in the business of buying, selling or exchanging motor vehicles required to be registered and licensed under this Ordinance; and

(b) holds a licence under the Licences Consolidation Ordinance 1935 (Ordinance 13 of 1935), where, in terms of that Ordinance, such licence is necessary for any business referred to in paragraph (a);

“motor vehicle dealer’s licence” means a motor vehicle dealer’s licence referred to in section 41;

“motor tricycle” means a motor vehicle, other than a motor cycle with side-car or a tractor, which has three wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle;

“motor vehicle” means any vehicle self-propelled and includes —

(a) a trailer; and

(b) a vehicle having pedals and an engine as an integral part thereof or attached thereto and which is designed or adapted to be propelled either by means of such pedals or engine or both,

but does not include —

(i) a tramcar;

(ii) a fire engine;

(iii) a roller;

(iv) any vehicle propelled by electrical power derived from storage batteries and which is pedestrian controlled; or

(v) any vehicle not weighing more than five hundred pounds and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“motor vehicle licence” means a motor vehicle licence referred to in section 8 (1);

“operate on a public road” or any like expression, in relation to a vehicle, means to use or drive a vehicle or to permit a vehicle to be used or driven on a public road or to have a vehicle or to permit a vehicle to be on a public road;

“owner” in relation to a vehicle includes —

(i) a joint or part owner of that vehicle;

(ii) a person who has the right to use that vehicle by virtue of a hire-purchase or suspensive sale agreement or by virtue of an agreement of hire providing for the hiring of such vehicle for a period of not less than twelve months, but shall not include the seller or lessor under any such agreement,

and “own” or any like word has a corresponding meaning;

“park” means to keep a vehicle, whether occupied or not, stationary for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or goods but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle and any like word has a corresponding meaning;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

“pedestrian crossing” means —

(a) that portion of a public road at an intersection included within the prolongation or connection of the kerb line and adjacent boundary line of such road, whether such portion is marked or not; or

(b) any other portion of a public road defined as a pedestrian crossing by appropriate road traffic signs;

“police officer” means any member of the South African Police established under the Police Act, 1958 (Act 7 of 1958), and any person appointed for the duty of maintaining law and order upon the railways and at the harbours in terms of section 57 of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act 70 of 1957), and includes a traffic officer;

“prescribe” or any like word means prescribe by regulation;

“prescribed territory” means —

- (a) any province of the Republic of South Africa;
- (b) Angola, Lesotho, Botswana, Malawi, Mozambique, Rhodesia, Swaziland or Zambia; or
- (c) any other territory declared by the Administrator by notice in the *Official Gazette* to be a prescribed territory;

“provisional certificate of competence” means a provisional certificate of competence referred to in section 62 (2);

“public bus” means a bus used as a public motor vehicle;

“public driving permit” means a public driving permit referred to in section 78 (1);

“public motor vehicle” means any motor vehicle used for the conveyance of passengers or goods, or both, for hire or reward, or plying for hire, and includes a motor vehicle hired out without a driver by a person in the course of his business of hiring out motor vehicles and, in relation to an application for a certificate of fitness, means any motor vehicle intended for any purpose as aforesaid but does not include —

- (a) a motor vehicle designed or adapted for salvaging other motor vehicles and commonly known as a “breakdown vehicle”;
- (b) a hearse;
- (c) an ambulance;
- (d) any motor vehicle owned by a local authority and which is not a bus;
- (e) any motor vehicle which is used for the conveyance of school children and which is not a bus ;or
- (f) any other class of motor vehicle prescribed by the Administrator as not being a public motor vehicle;

“public road” means any road, street or thoroughfare or, except for the purposes of section 106, any other place (whether a thoroughfare or not) which is commonly used by the public or section thereof or to which the public or section thereof have a right of access and includes —

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry, ford or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or thing forming part of or connected with or belonging to such road, street or thoroughfare;

“registering authority” means a registering authority appointed in terms of section 2 (1) and includes a registrar appointed under a repealed ordinance in relation to any act done by such registrar and recognized as a valid act in terms of this Ordinance;

“registration mark” in relation to a registering authority, means the registration mark assigned to a registering authority in terms of section 7 (1) and, in relation to a motor vehicle, means the registration mark allotted to such vehicle, in terms of section 8 (5), section 33 (1) or section 42 (1) and includes the number allotted in conjunction therewith;

- “regulation” means a regulation made under this Ordinance;
- “repealed ordinance” means an ordinance or any provision of an ordinance repealed by this Ordinance;
- “road authority”, in relation to a public road, means the Administrator or local authority responsible for the maintenance of such public road;
- “road traffic sign” means a road traffic sign referred to in section 99;
- “roadway” means that portion of a road, street or thoroughfare, improved, constructed or intended for vehicular traffic and includes those portions commonly known as the shoulders;
- “roadworthy”, in relation to a vehicle, means a vehicle which complies with the appropriate provisions of this Ordinance and is otherwise in a fit condition to be operated on a public road;
- “roadworthy certificate” means a roadworthy certificate referred to in section 160 (3);
- “robot” means a road traffic sign which, by means of automatic light signals, alternately directs traffic to stop and permits it to proceed;
- “semi-trailer” means a trailer having no front axle and so designed that at least fifteen per cent of its tare is superimposed on and borne by a vehicle drawing such trailer;
- “sidewalk” means that portion of a verge intended for the exclusive use of pedestrians;
- “stoplight” means a device fitted to a vehicle for the purpose of signalling, by means of a light, the intention of the driver of such vehicle to stop such vehicle or reduce the speed thereof;
- “tare”, in relation to a motor vehicle, means the weight of such vehicle ready to travel on a road and includes the weight of —
- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
 - (b) anything which is a permanent part of the structure of such vehicle;
 - (c) anything affixed to such vehicle so as to form a structural alteration of a permanent nature; and
 - (d) the accumulators, if such vehicle is self-propelled by electrical power,
- but does not include the weight of —
- (i) fuel; and
 - (ii) anything affixed to such vehicle which is not of the nature referred to in paragraph (b) or (c);
- “this Ordinance” includes any regulation;
- “tractor” means a motor vehicle designed or adapted for drawing other vehicles and not to carry any load thereon either independently or as a part of the weight of a vehicle or load so drawn;
- “traffic” means vehicles or conveyances of any kind, pedestrians and ridden, led or herded animals on a public road, whether such vehicles, conveyances, pedestrians or animals are moving or stationary;

- “traffic lane” means a longitudinal division of a public road of sufficient width to accommodate the passage of a single line of vehicles;
- “traffic officer” means a traffic officer appointed in terms of section 3 (1) (a) (i);
- “trailer” means a vehicle which is not self-propelled and which is designed or adapted to be drawn by a motor vehicle, but does not include a side-car attached to a motor cycle;
- “truck-tractor” means a motor vehicle designed or adapted —
- (a) for drawing other vehicles; and
 - (b) not to carry any load other than that imposed by a semi-trailer or by ballast,
- but does not include a tractor;
- “urban area” means that portion of the area of a local authority which has by actual survey been subdivided into erven or is surrounded by such surveyed erven and includes any public road abutting thereon.
- “vehicle” means a device designed or adapted principally to travel on wheels or crawler tracks but does not include any such device (other than a tram-car) moving exclusively on rails;
- “verge” means that portion of a road, street or thoroughfare which is not the roadway.

CHAPTER I.

APPOINTMENT OF REGISTERING AUTHORITIES AND OFFICERS.

2. (1) The Administrator may, upon such terms and conditions as he may determine, but subject to the laws governing the public service, appoint for such areas of South West Africa as he may from time to time deem necessary, officers of the public service or other persons as registering authorities, who shall within the areas for which they are appointed, exercise such powers and perform such duties as are conferred or imposed upon registering authorities by or in terms of this Ordinance.

Appointment of registering authorities.

(2) A registering authority may authorize any person under its control to act on its behalf at any time.

(3) Every appointment made by the Administrator in terms of sub-section (1) shall be terminable by him at any time and every appointment and the revocation of any appointment shall be notified by the Administrator by notice in the *Official Gazette*.

3. (1) For the purposes of this Ordinance and subject to the provisions of sub-section (2) —

Appointment of officers.

- (a) the Administrator may, subject to the laws governing the public service and upon such terms and conditions as he may by regulation provide, or in default of any such regulation, as he may determine, appoint for the Territory as many persons as —
 - (i) traffic officers;
 - (ii) inspectors of licences;
 - (iii) examiners of vehicles; and
 - (iv) examiners for driver's licences,

as he may deem expedient: Provided that any such person may be appointed to two or more of such offices;

- (b) any local authority, or any two or more local authorities, may appoint one or more traffic officers, inspectors of licences, examiners of vehicles and examiners for driver's licences, for the area or areas of its or their jurisdiction and with the prior approval of the Administrator and, upon terms as may be mutually agreed upon: Provided that any such person may be appointed to two or more such offices.

(2) Except with the approval of the Administrator, no person shall be appointed or continue as an examiner of vehicles —

- (a) if he is either directly or indirectly pecuniarily interested in the manufacture, sale repair or renovation of motor vehicles; or
- (b) unless he is a qualified artisan motor mechanic or unless he was principally engaged in the examination of vehicles under an ordinance repealed by this Ordinance, immediately prior to the commencement of this Ordinance: Provided if no person possessing the qualifications specified above is available for appointment a person complying as nearly as possible with the requirements of this sub-section shall be appointed: Provided further that any act performed by a person appointed as an examiner of vehicles contrary to the provisions of this sub-section shall not thereby be rendered invalid.

(3) Nothing contained in paragraph (b) of sub-section (1) shall be deemed to prevent the exercise or performance in the area of any local authority by any officer appointed by the Administrator, of any power or duty which he is authorized or required to exercise or perform in terms of this Ordinance or in terms of any instruction issued to him by the Administrator.

CHAPTER II.

REGISTRATION AND LICENSING OF MOTOR VEHICLES.

4. Except where otherwise provided, no person shall operate on a public road a motor vehicle which is not duly registered and licensed or covered by a temporary or special permit in terms of this Ordinance, and any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

Unlicensed
vehicle prohibited
on public road.

5. (1) Save as is otherwise provided in this Ordinance, every motor vehicle within this Territory shall, whether or not any such motor vehicle is to be operated on a public road, be registered and licensed by the owner thereof at the office of the appropriate registering authority in accordance with the provisions of this Ordinance: Provided that a motor vehicle, owned by any person who is the owner of that vehicle solely for the purpose of securing the payment of moneys advanced or to be advanced to a motor vehicle dealer in terms of an agreement or owned by a manufacturer, shall be deemed to be so registered and licensed while such vehicle is not operated on a public road.

Owner to register
and licence motor
vehicle.

(2) Any motor vehicle registered and licensed under a repealed ordinance, shall, subject to the provisions of this Chapter, be deemed to be registered and licensed in terms of sub-section (1).

6. Any motor vehicle referred to in Part I of Schedule I to this Ordinance shall, as therein provided, not be required to be registered and licensed and any motor vehicle referred to in Part II of that schedule shall not be required to pay license fees under this Ordinance.

Exemption from
registering and
licensing.

7. (1) The Administrator shall by notice in the *Official Gazette* assign to each registering authority a letter or combination of letters as the registration mark of that registering authority, to be borne by all motor vehicles registered in the area of jurisdiction of such registering authority: Provided that no such registration mark shall include the letter "Q" or terminate in the letter "I".

Registration marks.

(2) The Administrator may, in the manner provided for in sub-section (1), assign a new registration mark to any registering authority with effect from the first day of January of any year.

8. (1) Subject to the provisions hereinafter contained, every owner of a motor vehicle shall within twenty-one days from the date on which liability for licensing such vehicle arises, register it in his name and obtain a licence therefor at the office of the appropriate registering authority, and any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence.

Registration and licensing of motor vehicle with appropriate registering authority.

(2) (a) An owner of a motor vehicle desiring to register it and to obtain a licence therefor, or to renew the licence for such motor vehicle, shall apply on the prescribed form to the registering authority in whose area of jurisdiction he permanently resides: Provided that if the owner of a motor vehicle operates or proposes to operate such vehicle in or mainly in the area of jurisdiction of another registering authority he may register it at the office of that registering authority: Provided further, that whenever any question shall arise as to the area in which a motor vehicle ought to be registered and licensed, the Administrator, whose decision shall be final, shall determine the area.

(b) The application shall, except in the case of a motor vehicle falling within any of the exemptions provided for in Schedule I to this Ordinance, be accompanied by payment of the appropriate licence fee prescribed in Part I of Schedule 2 to this Ordinance: Provided that where liability arises after the thirty-first day of January in any year the prescribed licence fee shall be reduced by one-twelfth part thereof for every completed month between the date on which liability for licensing arose and the first day of January last preceding such date.

(3) Liability for licensing shall arise —

- (a) on the date of acquisition of the motor vehicle;
- (b) in the case of a motor vehicle acquired outside the Territory, on the date on which the vehicle is brought into the Territory for the first time;
- (c) in the case of a motor vehicle built up or assembled from parts of other motor vehicles, on the date of completion of such motor vehicle;
- (d) in the case of motor vehicles mentioned in paragraphs 2, 3, 4, 5 and 6 of Part I of Schedule 1 on the date from which the exemption from registration and licensing no longer applies;
- (e) in the case of a motor vehicle which is disposed of by a messenger of the court in terms of section 38 (1), or is disposed of as scrap after the registration thereof has been cancelled in terms of section 20, or is disposed of by the State, on the date on which the new owner obtains a certificate of road-worthiness in respect of such motor vehicle;
- (f) on the dates prescribed by, or on the date on which any event giving rise to liability for licensing happens, as the case may be, referred to in —
 - (i) section 12 (5) or (6);
 - (ii) section 13 (4);
 - (iii) section 17;
 - (iv) section 21 (2);
 - (v) section 35 (1) or (5);
 - (vi) section 43 (1).

(4) An application for registration of —

- (a) a second-hand motor vehicle;
- (b) a motor vehicle which has been built up or assembled from parts of other motor vehicles;
- (c) a motor vehicle referred to in section 17; or
- (d) a motor vehicle which has not been acquired from another person and which has previously been exempted from registration and licensing in terms of paragraphs 2, 3 or 4 of Part I of Schedule 1,

shall be accompanied by a certificate of roadworthiness obtained in terms of section 160 (3) (a) and for the purposes of paragraph (d) it shall be deemed that a motor vehicle mentioned in paragraph 5 of Part II of Schedule 1 has previously been exempted in terms of paragraph 4 of Part I of Schedule 1 if a licence was not in existence in respect thereof for the year immediately preceding that in which such application is made: Provided that no such certificate of roadworthiness shall be required in respect of a motor vehicle —

- (i) which the secretary of a racing club has certified to have been designed and constructed solely for the purpose of racing; or
- (ii) which immediately prior to the application was registered in a prescribed territory or contracting state under the Convention in the name of the applicant; or
- (iii) referred to in section 21 (2); or
- (iv) which the Administrator has prescribed to be exempt from the provisions of this sub-section.

(5) The registering authority shall, upon the receipt of an application as aforesaid, allot to the motor vehicle in question a number which shall be preceded by the registration mark assigned to the said registering authority by the Administrator, and issue to the owner of the motor vehicle in question a licence and clearance certificate in the prescribed form: Provided that —

- (a) the number “nought” shall not be allotted to any motor vehicle; and
- (b) if the application by a motor vehicle dealer for the registration of a motor vehicle in his own name or the name of his business is not accompanied by a certificate of roadworthiness the registering authority shall notwithstanding the requirements of sub-section (4), in the manner aforesaid register such motor vehicle and issue a licence in respect thereof but shall retain the clearance certificate until a certificate of roadworthiness in respect of such vehicle is delivered to it or until such motor vehicle dealer furnishes it with a notice in the prescribed form to the effect that such motor vehicle has been sold.

(6) The registering authority shall use black non-fading ink on clearance certificates.

(7) (a) The registering authority shall not allot the same number to more than one motor vehicle: Provided that where a registration is cancelled the registering authority may thereafter allot to any other motor vehicle the number of the motor vehicle in respect of which the registration has been cancelled.

(b) In the event of a duplication of numbers occurring the registering authority shall withdraw the number incorrectly allotted and allot to the motor vehicle in question a new number in accordance with the provisions of this Ordinance: Provided that —

- (i) where the registering authority has allotted a number to a motor vehicle contrary to the provisions of sub-section (5) such registering authority shall request the owner of that vehicle to surrender all the documents relating to the registration and licensing thereof, within twenty-one days from the date of such request;

- (ii) on receipt of the documents referred to in subparagraph (i) the registering authority shall allot a number to the motor vehicle concerned in accordance with the provisions of sub-section (5), amend such documents accordingly and return those documents to the owner;
- (iii) such costs as the Administrator deems to have been reasonably incurred by an owner of a motor vehicle as a result of a registration mark having been incorrectly allotted by a registering authority, may be paid by the Administrator to such owner.
- (c) The owner of a motor vehicle affected by such change, shall, within twenty-one days of being notified thereof, substitute for the number incorrectly allotted and affixed to or painted on his motor vehicle in terms of section 9 (2), the new number allotted in terms of paragraph (b).
- (8) A registering authority shall keep a register of all the motor vehicles registered by it in which shall be recorded all particulars set out in the licences of the respective motor vehicles.
- (9) Where it is in issue in any civil or criminal proceedings whether a named date is the date referred to in sub-section (3) such named date shall, until the contrary is proved, be deemed to be the date referred to in that sub-section.

9. (1) The owner of a motor vehicle shall affix the clearance certificate, issued to him in terms of this Ordinance, to his motor vehicle in the manner prescribed and shall keep it so affixed at all times during its currency. He shall at the same time remove from his motor vehicle every expired clearance certificate and shall not at any time display thereon a clearance certificate which does not refer thereto.

Clearance certificate and registration mark to be affixed.

(2) The owner of a motor vehicle shall affix or paint the registration mark and number allotted to him in terms of this Ordinance, to or on his motor vehicle in the position and manner prescribed and shall at all times keep such registration mark and number so affixed or painted.

10. (1) A licence issued in terms of section 8 (5), section 27 (4) or section 28 (3) shall expire on the thirty-first day of December of the year for which it was issued, and the owner of the motor vehicle in question shall forthwith become liable to renew the said licence at the office of the appropriate registering authority: Provided that he shall not be liable to any prosecution or penalty for failure to renew the licence or for driving an unlicensed motor vehicle on a public road if he renews the licence on or before the seventh day of March of the following year.

Motor vehicle licence expires on 31 December.

(2) An owner of a motor vehicle failing to renew the licence therefor within the abovementioned period shall be guilty of an offence.

11. (1) A registering authority shall, on the first day of July in each and every year, remove from its register the registration of every motor vehicle in respect of which the licence has not been renewed, which registration shall then be deemed to be cancelled, and may thereupon assign the number so removed to any other motor vehicle of which it effects the registration: Provided that the registration of a motor vehicle in respect of which a certificate of temporary exemption was granted in terms of section 12, shall not be removed during the currency of such certificate.

Registration mark to be removed from register if vehicle not licensed.

(2) Every owner of a motor vehicle which is not covered by a certificate of temporary exemption issued in terms of section 12 who fails to renew the licence for such motor vehicle on or before the thirtieth day of June of the year following the year for which the last licence was issued, shall on or before that date remove or paint out the registration mark and number affixed to or painted on such motor vehicle in terms of this Ordinance.

(3) The cancellation of a registration or the removal of a registration mark and number in terms of this section shall not in any way relieve the owner of the motor vehicle from the payment of the licence fee or penalties for which he is liable in terms of this Ordinance.

12. (1) If the registering authority in whose area of jurisdiction a motor vehicle is registered, is satisfied that at the time when the owner of such motor vehicle would ordinarily become liable to renew a licence in respect thereof, such motor vehicle was in such damaged or worn-out condition as to be incapable of use as a motor vehicle or was temporarily removed from the Territory such registering authority may, on application by the owner of such motor vehicle and upon payment of the fee prescribed in Part II of Schedule 2 to this Ordinance, issue a certificate of temporary exemption in the form prescribed, exempting the owner from taking out a licence for a stated period not extending beyond the next ensuing thirty-first day of December, pending the repair, reinstatement, total destruction or return to the Territory of such motor vehicle.

Motor vehicle dismantled or in wornout condition.

(2) An application for a certificate of temporary exemption shall not be entertained unless it reaches the office of the registering authority within the period prescribed for the renewal of the licence of a motor vehicle without penalty.

(3) The registering authority may, in accordance with the provisions of sub-sections (1) and (2), renew any certificate of temporary exemption: Provided that —

- (a) no certificate of temporary exemption shall be renewed to a date extending beyond the thirty-first day of December immediately following the date of renewal;
- (b) the fee prescribed in Part II of Schedule 2 to this Ordinance shall be paid on each occasion on which the certificate of temporary exemption is renewed.

(4) If a motor vehicle in respect of which a certificate of temporary exemption was issued, is repaired or reinstated sufficiently for use as a motor vehicle, or is returned to the Territory, or is destroyed or becomes permanently unfit for use as a motor vehicle, or is removed permanently from the Territory, the certificate of temporary exemption, issued in respect thereof shall lapse.

(5) An owner of a motor vehicle in respect of which a certificate of temporary exemption was issued and which was thereafter repaired or reinstated, sufficiently for use as a motor vehicle, or which was returned to the Territory, shall within twenty-one days of the date of such event obtain a licence for the motor vehicle in question from the appropriate registering authority.

(6) In the event of the expiration of a certificate of temporary exemption through the lapse of time, the owner of the motor vehicle in question shall within twenty-one days of the date of such expiration or, if the certificate expires on the 31st day of December, on or before the 7th day of March of the following year, obtain a licence for the said motor vehicle from the appropriate registering authority.

(7) The owner of a motor vehicle to whom a certificate of temporary exemption was issued, shall when liability for a licence in respect of such motor vehicle arises after the thirty-first day of January in any year, be entitled to the benefit provided in the proviso to section 8 (2) (b).

13. (1) Notwithstanding anything to the contrary contained in this Ordinance, an owner of a motor vehicle who satisfies a registering authority to which he applies for the registration of such vehicle in terms of section 8, that such vehicle is to be used by him in connection with a temporary visit to the Territory, may, upon so applying, but subject to the provisions of this section, be issued with a licence (to be known as a short-term licence) for a

Short-term licence

period of either three months, or six months, calculated from the first day of the month in which liability for the licensing of the motor vehicle concerned arose and irrespective of whether any such period extends beyond the thirty-first day of December of any year.

(2) (a) The licence fee for a short-term licence shall be one-quarter of the appropriate annual licence fee for a motor vehicle licence if the short-term licence is issued for three months and one-half if the short-term licence is issued for six months.

(b) A short-term licence issued for three months may, upon application to the registering authority which issued such licence on or before the expiry of such licence, in the manner provided for in sub-section (1), be renewed for one further period of three months.

(c) Any reference in this section to the expiry of a short-term licence shall, where such licence has been renewed, be construed as meaning the date on which any such renewed licence expired.

(3) The provisions of this Ordinance relating to the licensing of a motor vehicle shall, in so far as they are not inconsistent with the provisions of this section, apply *mutatis mutandis*, to a short-term licence: Provided that —

- (a) a distinctive clearance certificate shall be prescribed; and
- (b) the registration and licensing of such vehicle shall become null and void —
 - (i) upon the expiry of the short-term licence; or
 - (ii) if and when the owner disposes of such vehicle, whichever is the earlier.

(4) Where, upon the expiry of a short-term licence, a motor vehicle, in respect of which such licence was issued, remains in the Territory, the owner thereof shall be liable in respect of the registration and licensing of such vehicle on the date immediately succeeding the date of such expiry.

14. (1) An owner of a motor vehicle may, on the acquisition thereof, obtain, upon payment of the fee prescribed in Part II of Schedule 2 to this Ordinance, from the registering authority in whose area of jurisdiction the motor vehicle is acquired, or, if acquired from a dealer holding a motor vehicle dealer's licence in terms of this Ordinance, from that dealer or from the registering authority aforesaid a temporary permit and two identification cards in the forms prescribed, in respect of such motor vehicle.

Temporary permits.

(2) (a) The temporary permit duly completed shall be affixed to the motor vehicle, other than a motor-cycle, inside the windscreen in the lower lefthand corner, so that the inscription thereon is visible through the glass. In the case of a motor-cycle, the permit shall be affixed to the left side of the fuel tank in a conspicuous position, or be carried on the person of the driver.

(b) The two identification cards duly completed and each bearing the registration mark of the registering authority concerned and a serial number corresponding to that of the permit shall be affixed on the motor vehicle, one such card being affixed on the front and the other on the back of the motor vehicle in an upright position so that the words and figures thereon are in an upright position and easily distinguishable and not in any way obscured.

(c) The identification cards shall be handed to the appropriate registering authority when registration of the motor vehicle is effected and shall be destroyed by such registering authority.

(3) When such permit and identification cards have been affixed to and are displayed upon the motor vehicle in the manner prescribed, the owner may operate such motor vehicle on a public road for the remainder of a period of twenty-one days from the date of acquisition of the ownership thereof, pending the registration and licens-

ing thereof or its subsequent use under authority of a motor vehicle dealer's licence.

(4) Upon the issue of a permit, the counterfoil thereof shall be duly completed.

(5) The registering authority in whose area of jurisdiction a dealer holds a motor vehicle dealer's licence in terms of this Ordinance, may supply such dealer upon payment of the fee prescribed in Part II of Schedule 2 to this Ordinance, with a number of blank permits and blank identification cards for issue by him, and may at any time after reasonable notice direct the dealer to return any unused permits and identification cards and shall upon the return of such permits and cards refund to such dealer, upon application, the amount paid by him in respect of such unused permits and identification cards.

(6) The counterfoils of permits supplied to a dealer shall be returned to the registering authority immediately upon the issue of all permits forming any book if the permits were, when furnished to the dealer, bound in bookform, and if they were not so bound, the counterfoils shall be returned as may be directed by the registering authority.

(7) (a) A temporary permit shall not be issued in respect of a motor vehicle referred to in section 8 (4), excluding the proviso thereto, unless a valid certificate of roadworthiness, obtained in terms of this Ordinance, is produced in respect thereof.

(b) The registering authority or dealer issuing a temporary permit shall endorse thereon the date of the certificate of roadworthiness and return such certificate to the new owner who shall retain it for the purposes of the registration and licensing of the motor vehicle concerned.

(8) A temporary permit issued in a prescribed territory in terms of any law relating to motor vehicles in force in that prescribed territory shall entitle the owner of the motor vehicle concerned to operate it on a public road in the Territory until the expiration of such temporary permit: Provided that the requirements of the law of such prescribed territory relating to the operation on a public road of a motor vehicle under authority of a temporary permit, are complied with.

(9) Any person who operates on a public road a motor vehicle upon which are affixed or displayed a temporary permit and identification cards after the expiration of such permit or who, being a dealer, contravenes any provision of sub-sections (4), (6) or (7) or fails to comply with a direction from a registering authority in terms of sub-section (5) or (6) shall be guilty of an offence.

15. (1) Any person may, upon application in the prescribed form, obtain from a registering authority a special permit and two identification cards in the prescribed form which, if displayed in the manner provided for in section 14 in respect of a temporary permit and identification cards, shall entitle him to operate an unlicensed motor vehicle on a public road for the purpose of testing it or reaching a place of repair or storage, an examiner of vehicles or a weigh-bridge or repossessing a motor vehicle as contemplated in section 38.

Special permit.

(2) An application for a special permit shall be accompanied by the fee prescribed in Part II of Schedule 2 to this Ordinance.

(3) A special permit shall be valid for a period of two days.

16. A registering authority may by written notice to the owner of a motor vehicle require him to produce such motor vehicle at a time and place stated in such notice for examination by an examiner of vehicles appointed in terms of section 3 and any owner who fails to comply with such a notice shall be guilty of an offence.

Registering authority may require owner of motor vehicle to produce vehicle to examiner of vehicles for examination.

17. Whenever any motor vehicle, in respect of which a licence and clearance certificate have been issued, is reconstructed or altered in such manner as to require an amendment of the particulars or registration recorded in terms of section 8 (8), the licence and clearance certificate issued in respect of such vehicle shall, subject to the provisions of section 18 (2), become null and void on the date of the completion of such reconstruction or alteration, and, on such date, liability for the registration and licensing of such vehicle shall, subject to the provisions of section 6, arise: Provided that notwithstanding anything to the contrary contained in this Ordinance, any such vehicle may be operated on a public road while displaying, in the manner prescribed, the registration mark allotted to it prior to such reconstruction or alteration, for the purpose of effecting the registration and licensing thereof during a period of twenty-one days from such date.

Alteration of licensed motor vehicles void.

18. (1) When applying for the registration and licensing of a motor vehicle, referred to in section 17, the owner thereof shall advise the registering authority concerned of the reconstruction or alteration of such vehicle and at the same time surrender to such registering authority the licence and clearance certificate which have become null and void in terms of section 17: Provided that the fee payable in respect of a new licence shall be an amount which represents the difference, if any, between the licence fee paid on the motor vehicle before reconstruction or alteration and that which would have been payable had the motor vehicle been so reconstructed or altered, when it was so licenced: Provided further that the amount so payable shall be reduced by one-twelfth for every completed calendar month of the year in respect of which the surrendered licence was issued up to the date of completion of such reconstruction or alteration.

Issue of new licence and clearance certificate.

(2) The provisions of section 17 shall not apply in respect of a motor vehicle where the engine only is replaced, but the owner of such motor vehicle shall, within twenty-one days of the replacement submit to the registering authority which issued the licence in respect of such motor vehicle, that licence and clearance certificate and shall at the same time furnish that authority with the new engine number of the motor vehicle, whereupon the registering authority shall amend the engine number of such motor vehicle in its register or records and on the licence and clearance certificate and thereafter return such licence and clearance certificate to the owner of the motor vehicle concerned.

19. If any registered motor vehicle is permanently broken up, destroyed or stolen or becomes permanently unfit for use as a motor vehicle, the owner of such vehicle shall furnish to the registering authority at whose office the motor vehicle is registered a statement in the prescribed form of such break-up, destruction, theft or permanent unfitness, as the case may be, and shall submit to such registering authority the current licence and clearance certificate (if any) in respect thereof, or such of such documents as have not been destroyed or stolen.

Motor vehicles broken up, destroyed, stolen or becoming unfit.

20. Upon receiving the statement referred to in section 19, the registering authority shall, if satisfied that the motor vehicle has been broken up, destroyed or has become permanently unfit for use as a motor vehicle, cancel the registration of such motor vehicle and endorse such cancellation on such of the documents as were submitted and return them to the owner of the motor vehicle.

Cancellation of registration of broken-up, destroyed or unfit motor vehicles.

21. (1) If the statement referred to in section 19 applies to a motor vehicle which has been stolen the registering authority shall cancel the registration and endorse such cancellation on the documents submitted to him as provided in section 19, and return them to the owner of the said motor vehicle.

Owner to submit statement in respect of stolen motor vehicle.

(2) If a motor vehicle which has been stolen and in respect of which an endorsement has been made in terms of sub-section (1), is repossessed by the owner thereof, he shall become liable in respect of the registration and licensing of such vehicle on the date of such repossession.

22. (1) If at the date of cancellation of the registration of a motor vehicle in terms of section 20 or section 21 there was in operation a valid licence in respect of the motor vehicle concerned and the registering authority is satisfied that such motor vehicle has been permanently broken up, destroyed, stolen or has become permanently unfit for use as a motor vehicle, the owner thereof may elect —

Refund of licence fee in respect of motor vehicles broken up, destroyed, stolen or permanently unfit for use.

- (a) to retain the licence of such motor vehicle and the registration mark and number assigned thereto, for transfer to another motor vehicle in respect whereof liability for licensing arises in terms of section 8 (3) on or subsequent to the date on which the statement furnished in terms of section 19 is received by the registering authority concerned; or
- (b) to surrender the licence and clearance certificate (if any) in respect of such motor vehicle to the registering authority concerned.

(2) If the owner does not avail himself of the benefit provided by sub-section (1) (a) the registering authority concerned shall refund to him, upon application, a portion of the licence fee paid by him proportionate to the number of complete months for which the licence still had to run at the date on which the statement furnished in terms of section 19 is received by such registering authority.

23. If a registered motor vehicle is permanently broken up, destroyed or stolen or becomes permanently unfit for use as a motor vehicle and the statement furnished in terms of section 19 is received after the owner thereof has become liable for renewal of the licence in terms of section 10 and before the licence has actually been renewed, the registering authority shall, upon production of such information as it may require, remit a portion of the licence fee proportionate to the number of complete months between the date on which the statement furnished in terms of section 19 is received by the registering authority concerned and the thirty-first day of December next ensuing, and no clearance certificate shall be issued in respect of such vehicle.

Proportionate payment of licence fee.

24. If an owner of a motor vehicle permanently changes his place of residence from one address to another he shall within twenty-one days from the date of such change give written notice thereof to the registering authority in whose area of jurisdiction such motor vehicle is registered and, on the expiration of the current licence held in respect of such motor vehicle, shall surrender such licence and the clearance certificate in respect thereof to the appropriate registering authority and renew such licence at the office of such registering authority: Provided that nothing hereinbefore contained shall prevent such owner, upon surrendering the current licence and clearance certificate held in respect of such motor vehicle, from registering it at the office of, and obtaining free of charge a licence and clearance certificate for the unexpired period of the surrendered licence from the appropriate registering authority.

Change of address to be advised within 21 days.

25. (1) In the event of the change of address referred to in section 24 being from the area of jurisdiction of one registering authority to the area of jurisdiction of another registering authority whether within the Territory or from the Territory to a province in the Republic of South Africa the registering authority in whose area the vehicle is registered, shall notify the new registering authority concerned of the owner's change of address.

Notification to new registering authority re change of address.

(2) A registering authority which registers a motor vehicle which was up to the date of such registration registered in the area of jurisdiction of another registering

authority shall advise that other registering authority of such fact.

26. (1) No person shall dispose of a motor vehicle which is required to be registered and licensed in terms of this Ordinance unless it is registered in the name of the owner thereof and licensed for the year in which the disposal takes place, or is covered by a motor vehicle dealer's licence or a certificate of temporary exemption.

Disposal of motor vehicle.

(2) A person who sells or otherwise disposes of a motor vehicle covered by a motor vehicle dealer's licence or a motor vehicle referred to in Part I of Schedule 1 to this Ordinance, shall, within twenty-one days of such sale or other disposal, in the prescribed form notify the registering authority in whose area of jurisdiction the new owner resides of such sale or other disposal, and at the same time furnish a copy of such notification to the new owner who shall submit such copy to the appropriate registering authority with his application for the licensing of the motor vehicle concerned.

(3) The owner of a registered motor vehicle who sells or otherwise disposes of such motor vehicle shall, within twenty-one days of such sale or other disposal, in the prescribed form notify the registering authority at whose office the said motor vehicle is registered, of such sale or other disposal, and at the same time furnish a copy of such notification to the new owner who shall submit such copy to the appropriate registering authority with his application for the licensing of the motor vehicle concerned.

(4) A registering authority receiving a notification in terms of sub-section (3) shall, if the new owner resides in the area of jurisdiction of another registering authority immediately transmit the particulars so received to such other registering authority.

(5) Where a motor vehicle is sold on behalf of any person by public auction or otherwise, the auctioneer or any other person so selling the motor vehicle, shall be deemed to be the owner thereof for the purposes of sub-section (3).

(6) Where the executor in a deceased estate, or the trustee of an insolvent or assigned estate or the liquidator of a company, in the course of the liquidation of such deceased, insolvent or assigned estate or of such company, sells or otherwise disposes of any motor vehicle which is an asset in such estate or of such company, such executor, trustee or liquidator shall be deemed to be the owner thereof for the purposes of sub-section (3).

(7) The owner of any motor vehicle licensed in terms of this Ordinance may, on selling or otherwise disposing of such motor vehicle, elect —

- (a) to retain the licence of such motor vehicle and the registration mark and number assigned thereto, for transfer to another motor vehicle in respect whereof liability for licensing arises in terms of section 8 (3) on or subsequent to the date of such disposal; or
- (b) to surrender the licence of such motor vehicle and the registration mark and number assigned thereto, to the new owner of the said motor vehicle:

Provided that a licence issued in respect of any motor vehicle for which no licence fees are payable in terms of section 6 shall not be transferable.

27. (1) The owner of a motor vehicle who, on selling or otherwise disposing thereof, elects to retain the licence of such motor vehicle and the registration mark and number assigned thereto, for transfer to another motor vehicle, shall —

Retention by owner disposing of motor vehicle of licence and registration mark and number.

- (a) before handing the motor vehicle over to the person purchasing or otherwise acquiring it, remove the clearance certificate from such motor vehicle, and paint out or remove from the said motor vehicle, the registration mark and number painted on or affixed to such motor vehicle in terms of section 9; and
- (b) when notifying the registering authority in terms of section 26 (3) of the sale or other disposal of the motor vehicle, advise it in the prescribed form of his election to retain the licence and the registration mark and number for transfer to another motor vehicle.

(2) An owner of a motor vehicle who has made an election in terms of section 26 (7) (a) shall, within twenty-one days of the date on which liability for licensing the motor vehicle to which the licence and the registration mark and number are to be transferred arises, apply to the appropriate registering authority for the registration of such motor vehicle in his name and for the transfer thereto of the licence and the registration mark and number which he had retained.

(3) An application in terms of sub-section (2) shall be accompanied by the licence and clearance certificate of the motor vehicle sold or otherwise disposed of and the fee prescribed in Part II of Schedule 2 to this Ordinance for the transfer of motor vehicle licences.

(4) A registering authority receiving an application as aforesaid shall, subject to the provisions of sub-section (5), issue to the applicant a licence and a clearance certificate in the prescribed form, allot to the motor vehicle in question the registration mark and number retained by the owner, and cancel the licence and clearance certificate surrendered in terms of sub-section (3): Provided that if the applicant no longer resides permanently in the area of jurisdiction of the registering authority which assigned the registration mark and number, the registering authority receiving the application shall assign a new registration mark and number to the motor vehicle in question and advise the registering authority who assigned the original registration mark and number of such fact.

(5) If the licence fee payable in respect of the motor vehicle to which the licence is to be transferred, is higher than the licence fee payable on the motor vehicle from which such licence is transferred, the difference between the licence fees shall be paid by the applicant: Provided that such difference shall be reduced by one-twelfth thereof for every completed calendar month between the date on which the first mentioned motor vehicle was acquired and the first day of January preceding such date.

(6) The provisions of this section shall apply, *mutatis mutandis* to the owner of a motor vehicle which has been permanently broken up, destroyed, stolen or has become permanently unfit for use as a motor vehicle and in respect of which the registration has been cancelled in terms of section 20 or section 21 if such owner has made an election in terms of section 22 (1) (a).

28. (1) The owner of a motor vehicle who, on selling or otherwise disposing of such motor vehicle, elects to surrender the licence of such motor vehicle, and the registration mark and number assigned thereto, to the new owner, shall when notifying the registering authority in terms of section 26 (3) of the sale or other disposal of the motor vehicle, advise it in the prescribed form of his election and deliver to the new owner the licence and clearance certificate.

Surrender by owner disposing of motor vehicle of licence and registration mark and number.

(2) A person to whom the licence and registration mark and number of a motor vehicle were surrendered in terms of section 26 (7) (b) shall, within twenty-one days from the date on which he became the owner of the motor vehicle apply to the appropriate registering authority

for the registration of the motor vehicle in question in his name and for the transfer of the licence thereof to him. Such application shall be accompanied by the fee prescribed in Part II of Schedule 2 to this Ordinance for the transfer of motor vehicle licences, the licence and clearance certificate delivered to the new owner in terms of sub-section (1) and a certificate of roadworthiness in respect of the motor vehicle in question, issued in terms of this Ordinance.

(3) The registering authority shall, upon the receipt of an application in terms of sub-section (2), issue to the applicant a licence and clearance certificate in the prescribed form, retain for the motor vehicle in question the registration mark and number originally assigned thereto, and cancel the licence and clearance certificate surrendered in terms of sub-section (2): Provided that if the registering authority receiving such application is not the registering authority where the motor vehicle in question was previously registered, the registering authority receiving the application shall assign a new registration mark and number to the motor vehicle in question and advise the registering authority at whose office the motor vehicle was previously registered, of such fact.

29. The owner of a motor vehicle who fails to apply for the transfer of the licence thereof in terms of section 27 or 28, within the period prescribed shall forfeit his right thereto and shall be liable for the licence fee referred to in section 8 (2) (b) and to the penalties prescribed in section 36.

Failure to apply for transfer of licence within prescribed period.

30. (1) If a motor vehicle is owned by two or more persons carrying on business as a partnership and one of the partners dies or retires from the partnership, or a new member is admitted to the partnership, the owners of the said motor vehicle shall on or before the date prescribed for the renewal of the licence of the said motor vehicle without penalty, advise the appropriate registering authority of such change. The registering authority receiving such notification shall, if satisfied that such change has taken place, amend its register accordingly and endorse the change on the current licence or certificate of temporary exemption of such motor vehicle.

Persons entitled to obtain transfer free of charge.

(2) A person who acquires a duly registered and licensed motor vehicle from the estate of his or her deceased spouse, and a person who lawfully assumes a new name shall on or before the date prescribed for the renewal of the licence of the said motor vehicle without penalty, advise the appropriate registering authority of such change. The registering authority receiving such notification shall, if satisfied that such change has taken place, amend its register accordingly and endorse the change on the current licence or certificate of temporary exemption of such motor vehicle.

(3) No transfer fee shall be payable in the circumstances set out in sub-sections (1) and (2).

31. Every manufacturer, importer or owner of motor vehicles or motor vehicle dealer shall if so directed by the Administrator or registering authority, furnish such evidence as may be required in regard to any particulars of any motor vehicle manufactured, imported, owned or sold by him.

Dealers and others to furnish information.

32. (1) (a) Any person who sells or otherwise disposes of a motor vehicle which has not been previously registered in the Territory, shall supply to the person acquiring it a certificate stating the weight of such vehicle and, in the case of a bus or goods vehicle, also the maximum gross vehicle weight.

Information regarding weight of motor vehicle.

(b) If the weight given on the certificate referred to in paragraph (a) does not include the weight of the body or body and cab of the motor vehicle in question, the certificate shall be clearly endorsed to that effect.

(2) The certificate furnished in terms of sub-section (1) shall be delivered to the appropriate registering authority when application is made for the registration of the motor vehicle in question.

(3) The appropriate registering authority may at any time require an owner of a motor vehicle to produce within a specified period a weigh-bridge certificate obtained by the owner at his own expense from the officer in charge of a weigh-bridge approved by the registering authority, stating the weight of the motor vehicle in question or to have such motor vehicle weighed within a specified period at his own expense in the presence of such registering authority or other person duly deputed thereto by him.

(4) Any person who fraudulently makes a false or misleading statement in connection with the weight or maximum gross vehicle weight of a motor vehicle shall be guilty of an offence.

33. (1) In lieu of registration and licensing by a registering authority —

Exemption from registration and licensing.

(a) any department of state of the Republic of South Africa, any provincial administration of the said Republic, the Administration of the Territory of South West Africa and the South African Railways and Harbours Administration may itself effect the registration of any motor vehicle of which it is the owner, in which event it shall assign to each vehicle so registered such registration mark as may be approved by the Administrator, together with a number;

(b) the Department of Foreign Affairs of the said Republic shall register and assign, free of charge, a registration mark and number to every motor vehicle owned by a person registered as being entitled to diplomatic immunity under section 4 of the Diplomatic Privileges Act, 1951 (Act 71 of 1951):

Provided that no registration mark so assigned shall include the letter "Q" or terminate in the letter "I" and that the same registration mark and number shall not be assigned to more than one motor vehicle.

(2) The owner of a motor vehicle registered in terms of sub-section (1) shall cause to be affixed or painted and shall keep affixed or painted in such a position on such vehicle and in such manner as prescribed, the registration mark and number assigned to it in terms of sub-section (1).

(3) A department or administration which has registered a motor vehicle in terms of sub-section (1), shall furnish the Administrator, a police officer or inspector of licences with such information relating to such vehicle as may be required on request.

34. (1) No person shall operate on a public road a motor vehicle —

Displaying of registration mark and number.

(a) upon which the registration mark and number assigned to such motor vehicle in terms of this Ordinance are not affixed or painted and maintained as prescribed;

(b) upon which the registration mark or number assigned to such motor vehicle in terms of this Ordinance, though affixed or painted, and maintained as prescribed, is in any way concealed or obscured or has become illegible except from mud or other temporary cause not under the control of the driver;

(c) upon which no registration mark or number is displayed or upon which is displayed a registration mark or number which was not lawfully assigned to such motor vehicle;

(d) upon which is displayed a registration mark or number additional to that which he is required to display in terms of this Ordinance;

- (e) upon which there appears within six inches of the registration mark or number assigned to such motor vehicle by a registering authority any design, ornamentation, figure or letter which is not a component part of the standard equipment or construction of that motor vehicle: Provided that this prohibition shall not apply to an international touring plaque which the owner of the motor vehicle is entitled to display; or
- (f) in which is carried any plate bearing a registration mark or number which was not assigned to such motor vehicle in terms of this Ordinance, unless he can show that such plate was not carried with criminal intent.

(2) In any prosecution for a contravention of paragraph (e) of sub-section (1) it shall be presumed until the contrary is proved, that the registration mark and number found on the motor vehicle were assigned to such motor vehicle by a registering authority.

35. (1) A motor vehicle duly registered or registered and licensed as the case may be in any prescribed territory or in a contracting state under the Convention may be operated on any public road in the Territory during the currency of that licence or registration as the case may be and for the period within which it may be renewed in that Territory or state with impunity: Provided that the clearance or similar certificate if any and the registration mark and number allotted to such motor vehicle in the territory or state concerned are displayed on the said motor vehicle in accordance with the requirements of the law of that territory or state: Provided further that if the owner of such motor vehicle has come to reside permanently in the Territory, or if the said motor vehicle is used mainly in the Territory, he shall register such motor vehicle and obtain a licence therefor in the Territory at the office of the appropriate registering authority, in the case of a valid licence which expired, or in terms of sub-section (2) hereof is deemed to have expired on the 31st day of December, on or before the 7th day of March first following and in any other case within twenty-one days from the date of expiry of such licence.

Motor vehicles
licensed outside
Territory.

(2) A licence or registration certificate issued in a prescribed territory or a contracting state under the Convention which extends beyond the 31st day of December of the year in which the owner of such motor vehicle becomes permanently resident in the Territory or in which the motor vehicle is introduced into the Territory for permanent or habitual use therein, shall be deemed to have expired on the 31st day of December of the year in which the owner becomes so permanently resident or the vehicle is so introduced into the Territory.

(3) Nothing in sub-section (1) contained shall prevent the owner of a motor vehicle, duly registered and licensed in any prescribed territory, who has come to reside permanently in the Territory or who uses such motor vehicle mainly in the Territory, upon surrendering the current licence and clearance certificate held in respect of such motor vehicle, from registering it at the office of, and obtaining free of charge a licence and clearance certificate from the appropriate registering authority: Provided that if the surrendered licence expires before the 31st day of December of the year in which the owner becomes permanently resident or the vehicle is introduced into the Territory for permanent or habitual use therein, the owner shall be liable for the licence fees prescribed in Part I of Schedule 2, reduced by one-twelfth part thereof for every completed month between the first day of January of that year and the date of expiration of the surrendered licence.

(4) Motor vehicles of the classes mentioned in section 33 (1) duly registered in any province of the Republic of South Africa, in accordance with the law of that province and motor vehicles, duly registered by the Government of any prescribed territory or contracting state under the Convention, shall, for the purposes of sub-section (1) be deemed to be duly registered and licensed in a prescribed territory or contracting state under the Convention.

(5) Whenever a motor vehicle which has been introduced into the Territory temporarily, is, in the opinion of the Administrator, habitually operated within the Territory, the Administrator may by written notice order the owner of such motor vehicle to pay an amount equal to the prescribed licence fees on such motor vehicle to a registering authority with effect from such date and within such period as may be specified in such notice.

36. (1) (a) If the owner of a motor vehicle fails to licence such vehicle or to renew the licence in respect thereof, or to pay the licence fee as contemplated in item 7 of Part II of Schedule 1 to this Ordinance, within the period prescribed, he shall pay a penalty calculated at the rate of three per cent *per month* on every completed rand of such fee over the period during which the default continues: Provided that the penalty shall not exceed the licence fee.

Penalty for late licensing of vehicles.

(b) In calculating the penalty due in terms of paragraph (a) a portion of a month shall be regarded as a full month and the period of default shall be regarded as commencing from the day on which liability for the licence fee arose.

(2) The payment by the owner of the licence fee and penalty in terms of sub-section (1) shall not relieve him of liability to prosecution arising out of his failure to licence such motor vehicle, or to renew the licence thereof, nor shall a conviction for failure to licence such motor vehicle or to renew the licence thereof relieve the owner of his liability to licence the same or to pay any penalty due by him in terms of sub-section (1).

(3) Notwithstanding anything in this section contained the owner of a motor vehicle shall not be liable to a penalty in terms of this section if he submits the application with the licence fee due to the appropriate registering authority within the prescribed period, but fails to furnish any other relevant documents and particulars required by such registering authority: Provided that such registering authority is satisfied that such failure was due to circumstances beyond the control of such owner.

37. Where any period is provided under the provisions of this Ordinance in which an application shall be made, such period shall be construed as a period of grace allowed to the applicant during which he may make any such application without being liable to any penalty, as contemplated in section 36, or prosecution for not making such application timeously.

Period of grace.

38. (1) Where any person repossesses any registered motor vehicle under any hire purchase or suspensive sale agreement or where a messenger of the court disposes of a registered motor vehicle in execution of a judgement of a competent court, such person or messenger shall —

Repossession of registered motor vehicle or disposal of motor vehicle by messenger of the court.

(a) within twenty-one days of such repossession or disposal notify the registering authority with which such vehicle is registered of such repossession or disposal; and

(b) furnish such registering authority with such proof as it may request of such person's right to repossess or such messenger's right to dispose of such motor vehicle.

(2) Where a registering authority is satisfied that a person has the right to repossess or a messenger has the right to dispose of a registered motor vehicle as contemplated in sub-section (1), such registering authority shall thereupon cancel the registration of such motor vehicle and any licence issued in respect of such vehicle shall thereupon become null and void: Provided that the registering authority shall re-instate the registration and licensing of any such motor vehicle if it is subsequently proved that such person, or messenger was not entitled to such repossession or disposal.

39. (1) If any applicant for registration and licensing of a motor vehicle pays the appropriate fee by cheque and the cheque is dishonoured on presentation the registration and licensing of the motor vehicle for which the cheque was tendered shall be void as from the day on which it was effected, and the applicant shall, on demand made by the registering authority concerned, forthwith deliver to such registering authority the motor vehicle licence and any clearance certificate in respect of that motor vehicle.

Voidance of registration and licensing where cheque dishonoured.

(2) Where an applicant for the registration and licensing of a motor vehicle is indebted to the registering authority concerned in the amount of any fees and penalties payable in respect of such vehicle, such registering authority may refuse to effect such registration and licensing until the amount of such fees and penalties has been paid and any moneys tendered by such applicant shall first be applied in liquidation of any such amount.

40. (1) Where —

- (a) a motor vehicle does not bear any special identification number or mark;
- (b) the manufacturer's serial number or similar identifying number or mark has been obliterated or defaced;

Special identification number or mark.

a registering authority may cause to be cut, impressed, embossed on or attached permanently to such vehicle a special identification number or mark, which thereafter shall be deemed sufficient identification for the purpose of the registration of such vehicle.

(2) In the circumstances referred to in sub-section (1) (b), the registering authority concerned shall cause a full description of such vehicle and the name and address of the applicant applying for registration, to be furnished to the nearest police station.

(3) Any person who, without the written permission of a registering authority, alters, obliterates, effaces or causes the alteration, obliteration or effacement of any identification number or mark used for the purposes of registration in terms of this Chapter, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

41. (1) A motor vehicle dealer, in lieu of registering and licensing separately each motor vehicle owned by him in the course of his business for the purpose of sale or exchange, may, in respect of each such business where any such vehicle is or will be kept, apply in the prescribed form to the registering authority in whose area such business is situated for a licence (to be known as a motor vehicle dealer's licence) —

Motor vehicle dealer's licences.

- (a) in respect of all such motor vehicles, not being motor cycles or motor tricycles; or
- (b) in respect of all such motor vehicles, being motor cycles or motor tricycles;

or both such licences: Provided that a new motor vehicle dealer's licence shall not apply to any such motor vehicle, which has been owned by a motor vehicle dealer for a period of more than twenty-one days before such licence became effective.

(2) Subject to the provisions contained in section 46 no motor vehicle shall be operated on a public road under the authority of such licence unless there is displayed upon such vehicle, a certificate (to be known as a motor vehicle dealer's clearance certificate) as proof of the possession of such licence and in applying for a motor vehicle dealer's licence a motor vehicle dealer shall state the number (not being less than one) of such clearance certificates he requires.

(3) For the purposes of a motor vehicle dealer's licence a principal place of business and any branch thereof shall be deemed to be separate businesses.

(4) An application, referred to in sub-section (1), shall be accompanied by the fee payable to the registering authority as provided for in Part I of Schedule 2 to this Ordinance: Provided that if such application is made in respect of any period after the thirtieth day of June of any year only half of such fee shall be payable.

42. (1) A registering authority receiving an application in terms of section 41 shall, if satisfied that the applicant is a *bona fide* motor vehicle dealer —

Issue of clearance certificate and registration mark to motor vehicle dealer.

- (a) issue to him a motor vehicle dealer's licence in the prescribed form for the class or classes of motor vehicles applied for; and
- (b) issue to the applicant the number of motor vehicle dealer's clearance certificates, in the prescribed form, for which he has applied in such application or such additional motor vehicle dealer's clearance certificates for which he may thereafter apply, in the prescribed form, while holding such motor vehicle dealer's licence and endorse on each such certificate in the manner prescribed, a separate number allotted in respect of each such certificate followed by the registration mark assigned to such registering authority: Provided that where an application is made for such additional certificates in respect of any period after the thirtieth day of June of any year only half of the fee provided for in Part I of Schedule 2 to this Ordinance shall be payable.

(2) A registering authority shall keep a register of all motor vehicle dealer's licences issued by it in which shall be recorded all the particulars set out on such motor vehicle dealer's licences together with particulars of any additional motor vehicle dealer's clearance certificates issued to the holder of any such licence.

43. (1) A motor vehicle dealer's licence shall expire on the thirty-first day of December of the year for which it was issued and the dealer in question shall forthwith become liable to renew such licence or, if he does not propose to renew it, to register and obtain a licence for every motor vehicle owned by him and previously covered by the motor vehicle dealer's licence: Provided that such licence may be renewed or the motor vehicle in question registered and licensed without penalty on or before the twenty-first day of January of the following year and up to such date the dealer shall be entitled to own and operate any vehicle previously covered by his motor vehicle dealer's licence as if such licence had not expired.

Expiration of motor vehicle dealer's licence.

(2) If a motor vehicle dealer fails to renew his motor vehicle dealer's licence on or before the prescribed date he shall pay a penalty calculated at the rate of ten per cent per month or part thereof on the licence fee (excluding the amount paid for any additional clearance certificates) over the period during which the default continues and the period of default shall be regarded as commencing on the day on which liability for the licence fee arose: Provided that the penalty shall not exceed the licence fee.

44. (1) A motor vehicle dealer's licence shall not be transferable: Provided that if the motor vehicle dealer's licence is held by two or more persons carrying on business as a partnership and one of the partners dies or retires from the partnership, or if the person holding the motor vehicle dealer's licence lawfully assumes a new name, or if a person acquires the business of a motor vehicle dealer from the estate of his deceased spouse, the provisions of section 30 shall, *mutatis mutandis*, apply.

Motor vehicle dealer's licence not transferable.

(2) On renewal of any motor vehicle dealer's licence referred to in section 41 the owner of any business to which such licence refers shall disclose to the registering authority which issued such licence, the altered circumstances mentioned in sub-section (1) relating to such business.

(3) Where a business in respect of which a motor vehicle dealer's licence has been issued in terms of section 42, is transferred to new premises, such licence shall become null and void and the owner of any motor vehicle formerly covered by such licence shall thereupon be liable to register and licence such vehicle, unless —

- (a) such new premises are situated within the area of the registering authority which issued such licence;
- (b) the holder of such licence has, within a period of twenty-one days from such transfer notified such registering authority in writing of such transfer, and has obtained an endorsement of the particulars of the new premises on such licence.

45. (1) If a motor vehicle dealer sells or disposes of or ceases to carry on the business in respect of which a motor vehicle dealer's licence has been issued, he shall within twenty-one days after such sale, disposal or cessation of business, notify the registering authority which issued that motor vehicle dealer's licence thereof, and at the same time surrender to such registering authority the current motor vehicle dealer's licence and motor vehicle dealer's clearance certificates which shall thereupon be cancelled by the registering authority.

Disposal or cessation of motor vehicle dealer's business.

(2) If a motor vehicle dealer ceases to carry on a business in respect of which he is required to keep a register in terms of section 47 he shall deliver such register to the registering authority in whose area such business is situated and such register shall thereupon become the property of that registering authority.

46. Before a motor vehicle is operated on a public road under the authority of a motor vehicle dealer's licence there shall be displayed on such vehicle, the registration mark and motor vehicle dealer's clearance certificate in the manner prescribed.

Registration mark and motor vehicle dealer's clearance certificate to be displayed on motor vehicle operated on public road.

47. The holder of a motor vehicle dealer's licence shall keep a register in the prescribed form of motor vehicles acquired or disposed of by him in the course of his retail business, and shall render to the registering authority of the area in which he carries on such business, within ten days of the end of each month a return in the form prescribed of all motor vehicles acquired or disposed of by him during that month, or if no motor vehicle was acquired or disposed of during such period, he shall nevertheless render a return as prescribed duly signed and completed by him, with the word "NIL" written across it.

Duty of motor vehicle dealer to keep register of motor vehicles acquired or disposed of by him.

48. The register referred to in section 47 shall be open to inspection by any police officer, registering authority or person duly authorised by the latter for a period of at least three years reckoned from the date of the latest entry in such register.

Police inspection of register.

49. Any person who contravenes or fails to comply with the provisions of section 47 shall be guilty of an offence and in any prosecution the onus of proof that the return was furnished shall be upon the accused.

Penalty.

50. The holder of a motor vehicle dealer's licence shall not operate or permit to be operated upon a public road at the same time two or more motor vehicles displaying the same number assigned to him upon the issue of such licence.

Two or more motor vehicles not to display same number.

51. No clearance certificate issued and no number assigned under section 42 in respect of any class of motor vehicle referred to in section 41 (1) shall be used on a motor vehicle of any other class.

Clearance certificate for one class of motor vehicle not to be used on other classes of motor vehicles.

52. If any person is aggrieved by the refusal of a registering authority to issue to him a motor vehicle dealer's licence in terms of section 42, he may appeal to the Administrator who may thereupon make such order as he thinks fit.

Appeal to Administrator.

53. In the event of the appeal referred to in section 52 being successful, the registering authority shall issue to the appellant a motor vehicle dealer's licence in accordance with the order of the Administrator.

Administrator's order.

54. No motor vehicle dealer, who is the holder of a motor vehicle dealer's licence, shall operate a motor vehicle on a public road under such licence unless such vehicle is a vehicle owned by him in the course of his business for the purpose of sale or exchange.

Circumstances under which motor vehicle may be operated on public road under motor vehicle dealer's licence.

55. A motor vehicle covered by a motor vehicle dealer's licence issued in a province of the Republic of South Africa may be operated on any public road in the Territory on a journey from or to the place of business in that province of the holder of the motor vehicle dealer's licence, provided that the requirements of the law of such province relating to the operation on a public road of a motor vehicle under authority of a motor vehicle dealer's licence, are complied with.

Motor vehicle dealer's licences issued in a province of the Republic of South Africa.

CHAPTER III.

LICENSING OF DRIVERS OF MOTOR VEHICLES.

56. (1) Subject to the provisions of sub-section (2), no person shall drive a motor vehicle on a public road except under the authority and in accordance with the terms and conditions of a licence issued to him under this Chapter or deemed to be a licence for the purpose of this Chapter.

Driver of motor vehicle required to be licensed.

(2) The provisions of sub-section (1) shall not apply to a person driving a motor vehicle propelled by electrical power derived from overhead wires.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

57. (1) A licence authorizing the driving of a motor vehicle shall be issued by a registering authority in accordance with the provisions of this Chapter and shall be either —

A licence to drive, either a learner's or driver's licence.

- (a) a provisional licence, to be known as a learner's licence; or
- (b) a licence, to be known as a driver's licence,

and, except as otherwise provided for in this Chapter, no person shall be examined and tested for the purpose of obtaining a driver's licence unless he is the holder of a learner's licence.

(2) In this Ordinance the expression "learner's licence" or "driver's licence" shall not include any licence issued outside the Territory.

58. (1) A learner's or driver's licence shall, subject to the provisions of this Chapter, be issued in respect of any one of the following classes of motor vehicles and shall be classified accordingly:

Classification of learner's or driver's licence and authority conveyed thereby.

- (a) a motor cycle without side-car which has an engine with a cylinder capacity not exceeding fifty cubic centimeters;
- (b) a motor cycle without side-car which has an engine with a cylinder capacity exceeding fifty cubic centimeters;
- (c) a motor cycle with side-car;
- (d) a motor tricycle;
- (e) a tractor;
- (f) a motor vehicle propelled by electrical power;
- (g) a motor vehicle propelled by steam power;
- (h) a motor vehicle, being a type of mobile agricultural or industrial equipment or machinery, which is not designed principally for the conveyance of persons or goods, and the particular type of motor vehicle shall be specified in the learner's and driver's licence;
- (i) a light motor vehicle, that is to say, a motor vehicle not being of a class as aforesaid, the tare of which does not exceed 7,700 lb. or, if such motor vehicle is a bus or a goods vehicle, the gross vehicle weight of which does not exceed 7,700 lb.;
- (j) a heavy motor vehicle, that is to say, a motor vehicle not being of a class as aforesaid, the tare of which exceeds 7,700 lb. but not 30,000 lb. or, if such motor vehicle is a bus or goods vehicle, the gross vehicle weight of which exceeds 7,700 lb. but not 30,000 lb.;
- (k) an extra heavy motor vehicle, that is to say, a motor vehicle not being of a class as aforesaid, the tare of which exceeds 30,000 lb. or, if such motor vehicle is a bus or goods vehicle, the gross vehicle weight of which exceeds 30,000 lb.; or
- (l) a motor vehicle of any class as aforesaid which is specially adapted, constructed or equipped for use by a physically disabled person, such class and the essential modifications of the vehicle being specified in the learner's and driver's licence: Provided that a motor vehicle as contemplated in this paragraph shall only constitute a separate class in respect of the holder of such licence.

(2) Subject to the provisions of sub-section (3), the holder of a licence referred to in sub-section (1) shall be authorized to drive the class of motor vehicle to which his licence relates and shall, in addition, if he is the holder of a licence mentioned in —

- (a) sub-section (1) (b), be entitled to drive a motor vehicle of the class referred to in sub-section (1) (a);
- (b) sub-section (1) (c), be entitled to drive a motor vehicle of the class referred to in sub-section (1) (a), (b) or (d);
- (c) sub-section (1) (i), be entitled to drive a motor vehicle of the class referred to in sub-section (1) (e) or (h) where, in the case of a motor vehicle of the lastmentioned class, the tare of such motor vehicle does not exceed 7,700 lb.;

- (d) sub-section (1) (j), be entitled to drive a motor vehicle of the class referred to in sub-section (1) (e), (h) or (i) where, in the case of a motor vehicle of the class referred to in paragraph (h), the tare of such motor vehicle does not exceed 30,000 lb.; or
- (e) sub-section (1) (k), be entitled to drive a motor vehicle of the class referred to in sub-section (1) (e), (h), (i) or (j).

(3) (a) The holder of a licence to drive a motor vehicle of a particular class shall not, except in the circumstances referred to in sub-section (2), be entitled to drive any other class of motor vehicle by virtue of such licence.

(b) The authority to drive a motor vehicle conveyed by a learner's licence shall be subject to the following conditions:

- (i) The holder of a learner's licence shall, except where such licence relates to a motor vehicle having no seating accommodation for a passenger or to a motor cycle without side-car, when driving such vehicle, be accompanied in or on that vehicle by and be under the direct personal supervision of a person seated next to him or immediately behind him, where such person cannot be seated next to him, and who is in possession of a licence, other than a learner's or similar licence, entitling him to drive that class of motor vehicle;
- (ii) a learner's licence in respect of a motor cycle without side-car, shall not authorize the holder thereof to drive such motor cycle on a public road while carrying a passenger; and
- (iii) a learner's licence shall not authorize the driving of a public motor vehicle while carrying passengers other than a person accompanying the holder of a learner's licence in terms of sub-paragraph (i).

59. (1) A licence which was issued under a repealed ordinance or any prior law and which authorizes the driving of a motor vehicle shall, subject to the provisions of this section, be deemed to be a licence under this Chapter.

Validity of licence issued under repealed ordinance or any prior law authorizing the driving of a motor vehicle.

(2) The holder of a licence referred to in sub-section (1) and issued prior to the first day of January, 1962, shall surrender such licence to the registering authority which issued such licence or, if such registering authority is no longer in existence (in this sub-section referred to as a defunct registering authority) to the registering authority which is the successor to such defunct registering authority, and such licence shall thereupon be cancelled by any such authority.

(3) Any person who fails to surrender a licence in terms of sub-section (2) within a period of one year from the date of the coming into operation of this Ordinance, or who is in possession of such licence after such date, shall be guilty of an offence: Provided that no period during which such licence may have been suspended, whether in the Territory or elsewhere, shall be taken into account in calculating such period of one year.

(4) (a) A person surrendering a licence in terms of sub-section (2) may, on completion of the prescribed form, obtain from the registering authority concerned, a driver's licence and for this purpose he shall submit to such registering authority two photographs of himself complying with the provisions of section 62 (3) (b).

(b) On receipt of the surrendered licence and photographs referred to in paragraph (a), the registering authority concerned shall, notwithstanding anything to the contrary contained in this Chapter, issue to the person concerned free of charge a driver's licence on the prescribed form in respect of that class of motor vehicle which, having regard to the surrendered licence and to

such evidence as it may require from the person concerned as to the motor vehicle he was accustomed to drive by virtue of such surrendered licence, it deems most appropriate and such registering authority shall —

- (i) endorse on such driver's licence any endorsement referred to in section 65 (3) (a);
 - (ii) record on such driver's licence as a condition of such licence, any endorsement similar to an endorsement referred to in section 65 (3) (b), if it considers it expedient to do so;
 - (iii) affix one of such photographs in the manner provided for in section 65 (3) (c) and retain the other photograph as portion of its records; and
 - (iv) cancel and retain such surrendered licence:
- Provided that if it is necessary for the registering authority to issue more than one driver's licence to cover the surrendered licence, the person concerned shall submit such further copies of his photograph as may be required.

(5) The holder of a licence referred to in sub-section (1) and which is described as a licence in respect of —

- (a) a "motor cycle" or "motor bicycle" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (b);
- (b) a "motor cycle with side-car" or "motor bicycle with side-car or similar attachment or motor tricycle" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (c) or (d);
- (c) a "tractor" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (e);
- (d) a "motor vehicle propelled by electrical power" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (f);
- (e) a "motor vehicle propelled by steam" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (g);
- (f) a "light motor vehicle" or "motor-car" or "van" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (i);
- (g) a "heavy motor vehicle" or "truck" or "truck/van" or "omnibus" or "bus" shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (k);
- (h) a light motor vehicle or motor tricycle constructed, equipped or adapted for use by a physically disabled person, or words of like import, shall be deemed to be the holder of a licence of the class referred to in section 58 (1) (l) in respect of the motor vehicle stated in any such licence; and
- (i) any other motor vehicle shall be subject to the terms and conditions whereunder such licence was issued:

Provided that where any such licence is a learner's licence issued in terms of section 50 of the Road Traffic Ordinance, 1961, it shall only be valid for the period for which it was issued.

60. A person whose learner's or driver's licence or other licence which would, in terms of this Chapter, ordinarily authorize him to drive a motor vehicle in the Territory, has been cancelled in terms of this Ordinance, a repealed ordinance or any prior law or by competent authority outside the Territory, shall be deemed to be unlicensed and a person whose licence as aforesaid has been suspended in terms of this Ordinance, a repealed ordinance or any prior law or by competent authority outside the Territory, shall, during the period such suspension remains in force, be deemed to be unlicensed.

Effect of
cancellation or
suspension of
licence authorizing
the driving of a
motor vehicle.

61. A person shall be disqualified from obtaining or holding a learner's or driver's licence —

Disqualification from obtaining or holding learner's or driver's licence.

- (a) if he is under the age of eighteen years or, in respect of a motor cycle without side-car with an engine with a cylinder capacity not exceeding fifty cubic centimeters, if he is under the age of sixteen years;
- (b) during any period in respect of which he has been declared by competent authority in the Territory or elsewhere to be disqualified from obtaining or holding a licence to drive a motor vehicle, while such disqualification remains in force;
- (c) where a licence to drive a motor vehicle held by him has been suspended by competent authority in the Territory or elsewhere, while such suspension remains in force;
- (d) where a licence to drive a motor vehicle of which he was the holder has been cancelled by competent authority in the Territory or elsewhere, while such cancellation remains in force;
- (e) if such licence relates to a class of motor vehicle which he is already entitled to drive by virtue of being the holder of a licence to drive that class of motor vehicle;
- (f) if he is suffering from one or other of the following diseases or disabilities:
 - (i) uncontrolled epilepsy;
 - (ii) liability to sudden attacks of disabling giddiness or fainting due to hypertension or any other cause;
 - (iii) any form of mental disorder or defect referred to in section 2 (1) and classified in section 3 of the Mental Disorders Act, 1916 (Act 38 of 1916); as applied to the Territory by the South West Africa Mental Disorder Act, 1926 (Act 22 of 1926);
 - (iv) any condition causing muscular inco-ordination;
 - (v) uncontrolled *diabetes mellitus*;
 - (vi) defective vision as ascertained in accordance with a standard determined by the Administrator;
 - (vii) any other disease or disability which is likely to render him incapable of effectively driving and controlling a motor vehicle of the class to which such licence refers without endangering public safety: Provided that deafness shall not of itself be deemed to be any such disability;
- (g) who is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor; or
- (h) in such other circumstances as the Administrator may prescribe either generally or in respect of a particular class of learner's or driver's licence.

62. (1) A person desiring to obtain any class of learner's licence shall apply in person and on the prescribed form to the registering authority in whose area he permanently resides or, if he has no place of permanent residence, to any registering authority, for a certificate as to his competency to drive the class of motor vehicle concerned.

Application for provisional certificate of competence.

(2) A certificate referred to in sub-section (1) shall be known as a provisional certificate of competence.

(3) An application referred to in sub-section (1) shall be accompanied by —

- (a) the fee provided for an examination for a provisional certificate of competence in Part II of Schedule 2 to this Ordinance;

- (b) two identical copies of a black and white photograph of the applicant which shall —
 - (i) have been recently taken;
 - (ii) be clear-cut and without shadows;
 - (iii) be of the size commonly known as passport size and not less than one and one-half inches square;
 - (iv) depict only the head and shoulders of the applicant; and
 - (v) show the applicant's full face and, except with the approval of the Secretary for South West Africa, show him without headgear; and
- (c) in the case of an applicant who is sixty-five years or more, a certificate by a medical practitioner that he is not disqualified in terms of section 61 (f) or (g) from obtaining a learner's or driver's licence.

63. (1) Upon receipt of an application referred to in section 62, the registering authority concerned shall, if satisfied from the information furnished in such application or from such further information as it may reasonably require, that the applicant is not disqualified in terms of section 61 from obtaining a learner's licence, cause the applicant to be examined and tested by an examiner for driver's licences as to his knowledge of the rules of the road, road traffic signs and the controls of a motor vehicle of the class to which his application relates and in accordance with any manual issued by the Administrator.

Issue of provisional certificate of competence and learner's licence.

(2) (a) If, pursuant to an application referred to in sub-section (1), the examiner for driver's licences is satisfied that the applicant has sufficient knowledge of the rules of the road, road traffic signs and the controls of a motor vehicle of the class concerned and is not disqualified in terms of section 61 from obtaining a learner's licence, such examiner shall issue a provisional certificate of competence on the prescribed form to the applicant.

(b) A provisional certificate of competence issued to the applicant in terms of paragraph (a), shall be valid for a period of twenty-one days from the date of the issue thereof, but shall not authorize the holder thereof to drive a motor vehicle, and such applicant may, within such period, submit such certificate to the registering authority concerned together with the fee payable for a learner's licence as provided for in Part II of Schedule 2 to this Ordinance, whereupon such registering authority shall, subject to the provisions of sub-section (3), issue to the applicant a learner's licence on the prescribed form in respect of the class of motor vehicle for which the application was made: Provided that a registering authority may refuse to issue any such licence if it is of the opinion that the applicant is disqualified from obtaining such licence.

(3) The registering authority shall affix to the learner's licence, in the space provided therefor, one copy of the photograph required in terms of section 62 (3) (b) and the applicant for such learner's licence shall sign both the learner's licence and the counterfoil or duplicate thereof in the presence of the person acting on behalf of such registering authority and such registering authority shall affix the other copy of such photograph to such counterfoil or duplicate.

(4) A learner's licence shall be valid for a period of six months from the date of the issue thereof.

(5) An examiner for driver's licences who wilfully or negligently issues a provisional certificate of competence or any person who wilfully or negligently issues a learner's licence, contrary to the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

64. (1) The holder of a learner's licence who desires to obtain a driver's licence, shall apply on the prescribed form to the registering authority in whose area he permanently resides or, if he has no place of permanent re-

Certificate of competence.

sidence, to any registering authority, for a certificate as to his competency to drive the class of motor vehicle to which his learner's licence refers and such application shall be accompanied by the fee provided for an examination for a certificate of competence in Part II of Schedule 2 to this Ordinance.

(2) A certificate referred to in sub-section (1) shall be known as a certificate of competence.

(3) Upon receipt of an application in terms of sub-section (1), the registering authority shall return such application to the applicant and thereafter cause the applicant to be examined and tested by an examiner for driver's licences in accordance with the provisions of this section, and for that purpose the applicant shall provide a motor vehicle which is of the class to which his application refers.

(4) For the purpose of an examination and test in terms of sub-section (3), the examiner for driver's licences shall require the applicant to submit to him the application referred to in sub-section (3) together with two copies of a photograph of himself complying with the provisions of section 62 (3) (b) and such examiner shall, by observation, inquiry and practical test and in accordance with any manual issued by the Administrator, satisfy himself that the applicant —

- (a) holds a learner's licence of the class in respect of which his application is made;
- (b) knows and understands all road traffic signs;
- (c) has a sound knowledge of the rules of the road and the different signals which a driver of a motor vehicle is required to give when driving on a public road;
- (d) is not subject to any disqualification mentioned in section 61;
- (e) can unaided —
 - (i) start the motor vehicle concerned and thereafter put such vehicle in motion in a reasonably quick time and, while such motor vehicle is in motion, maintain an accurate course;
 - (ii) make right-hand and left-hand turns correctly with such motor vehicle;
 - (iii) stop such motor vehicle within a reasonable distance when travelling at various speeds and that in an emergency such applicant will be able to apply the brakes of such motor vehicle promptly and effectively;
 - (iv) operate all controls of such motor vehicle competently and without moving from the driver's seat;
 - (v) give all prescribed driving signals in a clear and unmistakable manner;
 - (vi) except in the case of a motor vehicle not fitted with a reverse gear, cause such motor vehicle to proceed backwards in reverse gear for a reasonable distance and make a left-hand and right-hand turn in reverse gear into an indicated position;
 - (vii) in a narrow road turn the motor vehicle round so as to proceed in the opposite direction; and
 - (viii) on a gradient of at least one in fifteen but not steeper than one in ten, stop such motor vehicle, keep it stationary and move off with it; and
- (f) is generally capable of driving a motor vehicle of the class to which the application relates.

(5) If the examiner for driver's licences is satisfied in terms of sub-section (4), he shall —

- (a) issue to the applicant a certificate of competence on the prescribed form in respect of the class of motor vehicle to which the applicant's learner's licence relates and, where the applicant complies with the

requirements of sub-section (4) (d) while wearing glasses, an artificial limb or other physical aid, such examiner shall endorse the certificate accordingly;

- (b) return to the applicant his application form;
- (c) require the applicant to sign the certificate of competence in his presence; and
- (d) endorse on the back of both copies of the photograph referred to in sub-section (4), the name of the applicant and shall date and sign each such endorsement.

(6) A certificate of competence shall be valid for a period of three months from the date of its issue but shall not authorize the holder thereof to drive a motor vehicle.

(7) An examiner for drivers' licences who wilfully or negligently issues a certificate of competence contrary to the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

65. (1) The holder of a certificate of competence may, within three months from the date of its issue, apply to the registering authority which issued such certificate, for a driver's licence of the class to which such certificate of competence relates and such application shall be accompanied by —

Issue of driver's licence.

- (a) the application in respect of such certificate of competence;
- (b) such certificate of competence and the photographs referred to in section 64 (5) (d), duly endorsed; and
- (c) the appropriate fee provided for in Part II of Schedule 2 to this Ordinance.

(2) Where a licence already held by the applicant will be superseded by the driver's licence for which application is made, the applicant shall surrender such first-mentioned licence to the registering authority and such registering authority shall retain and cancel such licence, and, if such licence was not issued by such registering authority, forward it to the competent authority which issued it.

(3) Upon receipt of the documents and fee referred to in sub-section (1), the registering authority shall issue a driver's licence on the prescribed form in respect of the class of motor vehicle for which the certificate of competence was issued to the applicant concerned, and shall —

- (a) endorse on such driver's licence a copy of every endorsement lawfully made upon a licence surrendered in terms of sub-section (2), unless any such endorsement has lapsed in terms of section 72 or otherwise;
- (b) record on such driver's licence any endorsement made on the certificate of competence concerned in terms of the provisions of section 64 (5) (a) and such endorsement shall be a condition of the issue of such licence;
- (c) affix on such driver's licence, in the space provided therefor, one copy of the photograph referred to in sub-section (1) (b) and the applicant shall sign both the driver's licence and the counterfoil or duplicate thereof in the presence of the person acting on behalf of the registering authority; and
- (d) retain the other copy of the photograph referred to in sub-section (1) (b) as portion of its records:

Provided that a registering authority may refuse to issue any such licence if it is of the opinion that the applicant is disqualified from obtaining such licence or is not competent to drive the class of motor vehicle concerned.

(4) (a) A registering authority shall keep a suitable register or record in alphabetical groups of all persons to whom drivers' licences have been issued by it.

(b) A registering authority shall record in the register or record kept by it in terms of paragraph (a), particulars of all convictions by and orders of any court affecting a driver's licence issued by such registering authority, and of any suspension, cancellation or endorsement of any such licence in terms of or recognized by this Ordinance of which it has knowledge.

(5) Any person who contravenes or fails to comply with the provisions of sub-section (2) shall be guilty of an offence.

(6) Any person who wilfully or negligently issues a driver's licence or effects an endorsement thereon contrary to the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

66. (1) Notwithstanding those provisions of section 63 relating to road traffic signs and the provisions of section 64 (4) (b), a person who is in the employ of a *bona fide* farmer may, in accordance with the provisions of this Chapter, but subject to the provisions of sub-section (2), obtain a learner's or driver's licence in respect of a tractor, subject to the following conditions —

Special learner's or driver's licence for tractor used in connection with farming operations.

- (a) any such licence shall only be valid in such magisterial district or in such adjoining magisterial districts, not exceeding three, as may be applied for by the applicant; and
- (b) any such licence shall only entitle the holder thereof to drive a tractor whilst it is being used solely for or in connection with *bona fide* farming operations of any *bona fide* farmer.

(2) No learner's or driver's licence referred to in sub-section (1) shall be issued to an applicant therefor, unless the examiner for drivers' licences is satisfied that such applicant knows and understands such road traffic signs as, in the opinion of such examiner, are likely to be found in the magisterial districts referred to in sub-section (1) (a).

(3) The registering authority shall, when issuing any learner's or driver's licence referred to in sub-section (1), endorse on any such licence and enter in its records the special conditions to which it is subject.

(4) The Administrator may prescribe the duties to be performed or the information to be furnished by any person in relation to any learner's or driver's licence referred to in sub-section (1).

(5) For the purposes of this section the words "*bona fide* farmer" shall include the South African Native Trust referred to in section 4 (1) of the South West Africa Native Affairs Administration Act, 1954, of the Republic of South Africa and the words "*bona fide* farming operations" shall include any activity of such South African Native Trust.

(6) Notwithstanding anything to the contrary contained in this Ordinance, the Administrator may direct where and by whom applicants shall be examined and tested for any licence referred to in this section and he may prescribe that such licence shall also authorize the holder to drive any other motor vehicle in such circumstances as he may determine.

67. (1) Any person who is aggrieved at the refusal of —

Right of appeal to Administrator.

- (a) an examiner for drivers' licences to issue to him a provisional certificate of competence or a certificate of competence; or

- (b) a registering authority to issue to him a learner's or driver's licence,

may, within twenty-one days of such refusal, lodge a written notice of appeal against any such refusal with the Administrator and such person shall at the same time serve a copy of such notice on the examiner for drivers' licences or on the registering authority concerned, as the case may be.

(2) After receipt of the copy of a notice referred to in sub-section (1), the examiner for drivers' licences or the registering authority shall forthwith furnish the Administrator with his or its reasons for the refusal to which such notice refers.

(3) For the purpose of deciding an appeal in terms of sub-section (1), the Administrator may appoint any person to examine and test the appellant as to his competency to drive the class of motor vehicle in issue and may, in addition, require either party to such appeal to furnish such information or evidence as he may deem expedient.

(4) The Secretary for South West Africa shall notify the parties concerned in writing of the result of an appeal in terms of sub-section (1) and, if such appeal is allowed, the examiner for drivers' licences or the registering authority, as the case may be, shall give effect to the decision of the Administrator.

68. (1) Subject to the provisions of sub-sections (2) and (4) —

- (a) a licence authorizing the driving of a motor vehicle and issued in a prescribed territory while the holder thereof was not permanently resident in the Territory;
- (b) an international driving permit issued while the holder thereof was not permanently resident in the Republic of South Africa or the Territory of South West Africa; or
- (c) a licence authorizing the driving of a motor vehicle and issued in any other country or territory while the holder thereof was not permanently resident in the Republic of South Africa or the Territory of South West Africa, and which is in an official language of the said Republic or the said Territory or to which is attached, in an official language of the said Republic or the said Territory and issued by competent authority, either a certificate of authenticity and validity relating to such licence or a translation of such licence and if such licence contains the photograph and signature of the holder thereof,

Circumstances in which licence issued in prescribed or other territory authorizing the driving of a motor vehicle or international driving permit deemed to be a licence under this Chapter.

shall, in respect of the class of motor vehicle to which such licence or permit relates and subject to the terms and conditions thereof, be deemed to be a licence under this Chapter: Provided that where such licence is a provisional licence it shall not authorize the driving of a public motor vehicle carrying passengers.

(2) (a) Where the holder of a licence referred to in sub-section (1) (a) becomes permanently resident in the Territory, such licence shall, after such holder has been so resident for a continuous period of six months, no longer be deemed to be a licence under this Chapter unless when such licence was issued, it contained both the signature and photograph of the holder.

(b) At any time during the period of six months referred to in paragraph (a), the holder of a licence mentioned in that paragraph, not being a provisional licence, may apply on the prescribed form to the registering authority in whose area he is permanently resident for a driver's licence, and for this purpose he shall surrender to such registering authority the licence issued to him in the prescribed territory and submit to such registering authority two photographs of himself complying with the provisions of section 62 (3) (b).

(c) On receipt of the surrendered licence, photographs and form referred to in paragraph (b), the registering authority shall, notwithstanding anything to the contrary contained in this Chapter, but subject to the provisions of section 61, issue to the person concerned, free of charge, a driver's licence on the prescribed form in respect of the class of motor vehicle which the registering authority, having regard to the surrendered licence, deems most appropriate and such registering authority shall —

- (i) endorse on such driver's licence a copy of every endorsement lawfully made upon the licence surrendered in terms of paragraph (b), unless such endorsement has lapsed in terms of section 72 or otherwise;
- (ii) record on such driver's licence, as a condition of such licence, any endorsement similar to an endorsement referred to in section 65 (3) (b), if it considers it expedient to do so;
- (iii) affix on such driver's licence, in the space provided therefor, one of such photographs and the applicant shall sign both the driver's licence and the counter-foil or duplicate thereof in the presence of the person acting on behalf of the registering authority; and
- (iv) cancel and retain such surrendered licence and advise the competent authority which issued such surrendered licence of such cancellation:

Provided that if it is necessary for the registering authority to issue more than one driver's licence to replace the surrendered licence, the person concerned shall submit such further copies of his photograph as may be required.

(3) Any person who is the holder of an international driving permit, or who was the holder of any such permit may, during the currency of such permit or within a period of six months from the date of the expiration of such permit, and if he has become permanently resident in the Territory, apply to the registering authority in whose area he is so resident, for a driver's licence and for this purpose the provisions of sub-sections (2) (b) and (c) shall apply *mutatis mutandis*, except that it shall not be necessary to advise the competent authority which issued such permit of such cancellation.

(4 (a) Where the holder of a licence referred to in sub-section (1) (c) becomes permanently resident in the Territory, such licence shall, after such holder has been so resident for a continuous period of six months, no longer be deemed to be a licence under this Chapter.

(b) Notwithstanding anything to the contrary contained in this Chapter a licence issued in the Federal Republic of Germany and recognised under a repealed ordinance, shall, for a period of six months from the date of coming into operation of this Ordinance, be deemed to be a licence under this Chapter.

(c) At any time during the period of six months referred to in paragraphs (a) and (b), the holder of a licence mentioned in those paragraphs, not being a provisional licence, may apply to the registering authority in whose area he is permanently resident for a driver's licence and for this purpose the provisions of sub-sections (2) (b) and (c) shall apply *mutatis mutandis*, except that it shall not be necessary to advise the competent authority which issued such firstmentioned licence of its cancellation.

69. (1) Notwithstanding anything to the contrary contained in this Chapter, any person who is in the service of the State as an employee of the South African Railways and Harbours Administration may, if he is not disqualified in terms of section 61 from obtaining or holding a learner's or driver's licence and subject to the provisions of sub-section (2), be issued by such Administration with a licence authorizing the driving of a motor vehicle in such form and subject to such conditions as the Administrator may approve.

Power of South African Railways and Harbours Administration to issue a licence authorizing the driving of a motor vehicle.

(2) Any licence issued in terms of sub-section (1) shall only entitle the holder thereof to drive a motor vehicle owned by the State and in the execution of his duties on behalf of the State.

70. (1) Where, in the opinion of the Administrator, the holder of a learner's or driver's licence is disqualified from holding such licence in terms of section 61, the Administrator shall cancel such licence.

Suspension or cancellation by the Administrator of licence authorizing the driving of a motor vehicle.

(2) Where, in the opinion of the Administrator, the holder of a learner's or driver's licence or of any other licence authorizing him to drive a motor vehicle in terms of this Chapter, would constitute a source of danger to the public while driving a motor vehicle on a public road, the Administrator may cancel or suspend any such licence: Provided that any licence which is an international driving permit shall not be cancelled by the Administrator.

(3) For the purposes of sub-section (1) or (2), the Administrator may request the holder of a licence referred to in those sub-sections, to submit himself within such period as the Administrator may determine —

- (a) to an examination and a test by one or more examiners for drivers' licences nominated by the Administrator, as to such holder's competence to drive and control a motor vehicle of the class to which his licence relates; or
- (b) to an examination by a medical practitioner nominated by the Administrator, as to such holder's physical and mental fitness to drive a motor vehicle; or
- (c) to both such examinations and test.

(4) The cost of any examination referred to in sub-section (3) (b), shall be a charge against the Territorial Revenue Fund.

(5) If any person fails to comply with a request in terms of sub-section (3), the Administrator may forthwith suspend or cancel, as the case may be, the licence concerned.

(6) The suspension or cancellation of a licence in terms of this section shall apply to any other licence held by the holder of such suspended or cancelled licence and recognized under this Chapter as a valid licence, as the Administrator may determine.

(7) Any person whose licence has been suspended or cancelled in terms of this section shall forthwith deliver such licence to the Secretary for South West Africa, who shall notify the competent authority which issued such licence of the action taken in respect thereof in terms of this section, where such competent authority is within the Territory or a prescribed territory.

(8) The Administrator may, where he deems it expedient and on such conditions as he may deem fit, reinstate a licence suspended in terms of this section, whereupon the Secretary for South West Africa shall notify the competent authority which issued such licence of such reinstatement, where such competent authority is within the Territory or a prescribed territory.

(9) The Administrator may, where he deems it expedient and on such conditions as he may deem fit, authorize a person whose licence has been cancelled in terms of this section to apply for a learner's and a driver's licence.

(10) Any person who contravenes or fails to comply with the provisions of sub-section (7) or a condition imposed in terms of sub-section (8) shall be guilty of an offence.

71. (1) The Administrator may, if he deems it expedient and on such conditions as he may deem fit, cancel any suspension of a licence authorizing the driving of a motor vehicle in the Territory, where such suspension has been imposed as a result of a conviction by a court within the Territory, and every application for such cancellation of a suspension shall be accompanied by a fee of ten rand which shall be forfeited to the Territorial Revenue Fund.

Power of Administrator in relation to suspended licence or person subject to disqualification.

(2) The Administrator may, if he deems it expedient and on such conditions as he may deem fit, declare that any person who is subject to any disqualification referred to in section 61 (b) or (d) shall no longer be subject to any such disqualification.

(3) Any person who fails to comply with any condition referred to in sub-section (1) or (2) shall be guilty of an offence.

72. (1) An endorsement pursuant to any order of a court on any licence authorizing the driving of a motor vehicle under this Chapter shall lapse after the expiry of a period of three years from the date upon which such endorsement was made, if during such period, no further endorsement has been made on such licence: Provided that no period of suspension of such licence shall be included in the calculation of the period of three years.

Lapsing of endorsements on licence.

(2) Where, in relation to a driver's licence, all endorsements have lapsed in terms of sub-section (1), the registering authority which issued such licence may, upon application on the prescribed form and the submission of two photographs of himself complying with the provisions of section 62 (3) (b) by the holder thereof and upon payment to such authority of the fee provided for in section 65 (1) (c), issue to such holder a driver's licence free from any such endorsements.

73. (1) No person shall for reward, instruct or supervise any other person in the driving of a motor vehicle on a public road unless he holds a certificate (in this section referred to as an instructor's certificate) issued to him by a registering authority.

Instructors of learner-drivers to obtain a certificate from registering authority and right of appeal in case of refusal.

(2) A person desiring to obtain an instructor's certificate shall apply to a registering authority on the prescribed form.

(3) A registering authority shall require an applicant for a instructor's certificate to submit himself to —

- (a) an examination and a test by a competent person nominated by such authority in order to determine the competence of such applicant to act as an instructor of learner-drivers; and
- (b) a medical examination by a medical practitioner nominated by such authority in order to determine the physical and mental fitness of such applicant to act as an instructor of learner-drivers.

(4) The applicant shall bear the cost of the medical examination carried out in terms of sub-section (3) (b) and shall pay the fee for an examination for an instructor's certificate provided for in Part II of Schedule 2 to this Ordinance.

(5) The registering authority shall, if satisfied that an applicant referred to in sub-section (3) is competent and is a fit and proper person to act as an instructor of learner-drivers, is not suffering from any physical or mental defect so to act, and complies or has complied with such conditions as the Administrator may prescribe, issue to such applicant on payment of the appropriate fee provided for in Part II of Schedule 2 to this Ordinance, an instructor's certificate on the prescribed form.

(6) An instructor's certificate shall be valid for one year from the date of its issue.

(7) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

(8) Any person who is aggrieved at the refusal of a registering authority to issue to him an instructor's certificate, may, within twenty-one days of such refusal, lodge a written notice of appeal against any such refusal with the Administrator and such person shall at the same time serve a copy of such notice on the registering authority concerned.

(9) The registering authority shall forthwith after receipt of the copy of a notice referred to in sub-section (8), furnish the Administrator with its reasons for the refusal to which such notice refers.

(10) For the purpose of deciding an appeal in terms of sub-section (8), the Administrator may —

- (a) appoint any person to examine and test the appellant in order to determine his competence to act as an instructor of learner drivers;
- (b) appoint a medical practitioner to carry out a medical examination in order to determine the appellant's physical and mental fitness to act as an instructor of learner-drivers; and
- (c) require either party to such appeal to furnish such information or evidence as he may deem expedient.

(11) The appellant shall bear the cost of the medical examination carried out in terms of sub-section (10) (b).

(12) The result of an appeal in terms of sub-section (8) shall be notified by the Secretary for South West Africa in writing to the parties concerned, and, if such appeal is allowed, the registering authority shall give effect to the decision of the Administrator.

74. (1) Any learner's or driver's licence issued contrary to the provisions of this Chapter shall be void and the holder thereof shall, on demand by the registering authority which issued such licence or a police officer, forthwith surrender any such licence to such registering authority or police officer.

Avoidance of learner's or driver's licence issued contrary to the provisions of this Chapter.

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

75. (1) Any person who, in applying for a learner's or driver's licence, wilfully fails to disclose any disqualification to which he is subject in terms of section 61, shall be guilty of an offence.

Failure to disclose disqualification in respect of licence authorizing the driving of a motor vehicle an offence.

(2) Any person who —

- (a) is the holder of a licence authorizing the driving of a motor vehicle in terms of this Chapter; and
- (b) knows that he is disqualified from holding such licence,

shall, within twenty-one days of the date of the coming into operation of this Ordinance or in the event of such disqualification arising after such date, within twenty-one days of becoming aware of such disqualification, surrender such licence to the Secretary for South West Africa who shall thereupon cancel such licence and advise the competent authority which issued it, accordingly.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (2) shall be guilty of an offence.

76. (1) No person who —

- (a) is the owner of or is in charge or control of a motor vehicle shall employ or permit any other person to drive such vehicle on a public road unless such other person is licensed under this Chapter to drive such vehicle; or
- (b) is the holder of a licence authorizing the driving of a motor vehicle under this Chapter, shall allow such licence to be used by any other person.

Permitting or assisting unlicensed driver to drive motor vehicle an offence.

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

CHAPTER IV.

PUBLIC MOTOR VEHICLES.

77. (1) No person shall operate a public motor vehicle on a public road —

Certificate of fitness required in respect of a public motor vehicle.

- (a) unless there is in force in respect of such vehicle a certificate of fitness; and
- (b) except in accordance with the terms and conditions of such certificate.

(2) A certificate of fitness referred to in section 62 of the Road Traffic Ordinance, 1961, shall, in accordance with the terms and conditions thereof but subject to the provisions of this Ordinance, be deemed to be a certificate of fitness for the purposes of sub-section (1).

(3) Any document issued by a competent authority in any prescribed territory and serving a similar purpose to that of a certificate of fitness, shall, in accordance with the terms and conditions thereof, be deemed to be a certificate of fitness for the purposes of sub-section (1).

(4) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

78. (1) No person shall drive a public motor vehicle on a public road except in accordance with the terms and conditions of a permit (to be known as a public driving permit) issued to him under this Chapter.

Permit required by driver of public motor vehicle.

(2) The provisions of sub-section (1) shall not apply —

(a) in respect of a public motor vehicle owned by any State department (including the South African Railways and Harbours Administration), any provincial administration of the Republic of South Africa, the Administration of South West Africa or any local authority; or

(b) to any person driving, otherwise than for hire or reward, a public motor vehicle on a public road where such vehicle has been hired out to such person without a driver.

(3) A public driving permit referred to in section 65 of the Road Traffic Ordinance, 1961, shall, in accordance with the terms and conditions thereof but subject to the provisions of this Ordinance, be deemed to be a public driving permit for the purposes of sub-section (1).

(4) Any document issued by a competent authority in any prescribed territory and serving a similar purpose to that of a public driving permit shall, subject to the terms and conditions thereof, be deemed to be a public driving permit for the purposes of sub-section (1).

(5) Any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

79. A certificate of fitness in respect of a public motor vehicle shall, subject to the provisions of this Ordinance relating to the suspension or cancellation of any such certificate, be valid for a period of six months from the date of the issue thereof or, if the applicant therefor holds an unexpired certificate of fitness for the public motor vehicle concerned which is still valid for not more than fourteen days, for a period of six months from the date following upon the date of expiry of such unexpired certificate of fitness or, in any event, for such shorter period as the issuer of such certificate may determine: Provided that the provisions of this section shall not apply

Period of validity of certificate of fitness issued in the Territory.

to a certificate of fitness referred to in section 77 (2) or (3).

80. (1) Any person who desires to operate a public motor vehicle on a public road shall, subject to the provisions of section 87 (5), apply on the prescribed form for a certificate of fitness in respect thereof to the registering authority at whose office such vehicle is registered or to such other registering authority as the Secretary for South West Africa may allow or, if such vehicle is deemed to be registered or may be operated in the Territory by virtue of such registration having been effected elsewhere, to any registering authority, and such application shall be accompanied by the fee provided for a certificate of fitness in Part II of Schedule 2 to this Ordinance and a report by the examiner of vehicles for the area of jurisdiction of the registering authority concerned authorizing the issue of such certificate: Provided that where any such application in respect of a public motor vehicle is made by a person who is not the owner thereof, such person shall satisfy the registering authority concerned that he has the right to the use of such vehicle and until so satisfied the registering authority concerned may refuse to consider any such application.

Application for certificate of fitness.

(2) Every applicant for a certificate of fitness shall pay the fee provided for an examination for a certificate of fitness in Part II of Schedule 2 to this Ordinance to the registering authority in whose area the examination is carried out or to an examiner of vehicles in the employ of the State who has been appointed as a sub-receiver of revenue for the purpose of receiving such fees: Provided that where the examiner is in the employ of a local authority the fee shall be paid to such local authority and if such examiner is not in the employ of the State or a local authority the fee shall be paid to such examiner direct.

81. (1) The public motor vehicle concerned shall be produced for an examination and test to the examiner of vehicles contemplated in section 80 (1) and such examiner shall examine and test such vehicle in order to satisfy himself that such vehicle is roadworthy and he shall further satisfy himself in respect of such other matters as may be required for the purpose of the certificate of fitness as prescribed.

Examination of public motor vehicle and issue of certificate of fitness.

(2) (a) If the examiner of vehicles is satisfied as required in terms of sub-section (1), he shall, report in the prescribed form to the registering authority concerned and authorize the issue of a certificate of fitness to such applicant in such manner as the registering authority concerned may determine.

(b) Where the examiner of vehicles is not satisfied as required in terms of sub-section (1), he may allow the applicant, within a period fixed by such examiner but not exceeding a period of fourteen days from the date of the examination of the public motor vehicle concerned by such examiner, to remedy any defect in such vehicle and if such examiner is thereafter satisfied as required in terms of sub-section (1), he shall act in terms of paragraph (a).

(3) Any examiner of vehicles who wilfully or negligently issues a report which is materially incorrect, authorizing the issue of a certificate of fitness shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

82. Notwithstanding the provisions of sections 80 and 81, any State department (including the South African Railways and Harbours Administration) or the Administration of South West Africa may, in respect of any public motor vehicle owned by the State or such Administration, issue a certificate of fitness in the prescribed form.

Power of State department and Administration of South West Africa to issue certificate of fitness.

83. (1) No person shall hold more than one certificate of fitness in respect of any particular public motor vehicle where the periods of validity of such certificates coincide or overlap.

Offence for person to hold more than one certificate of fitness in respect of same motor vehicle.

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

84. (1) A certificate of fitness in respect of a public motor vehicle shall be carried in or on such vehicle at all times while it is being operated on a public road.

Certificate of fitness to be carried in or on public motor vehicle.

(2) Any person who operates a public motor vehicle contrary to the provisions of sub-section (1) shall be guilty of an offence.

85. The terms and conditions of a certificate of fitness relating to a public motor vehicle and the authority conveyed thereby shall not be construed as derogating from any provision of this Ordinance to which such vehicle may be subject and, in the event of any conflict between the terms and conditions of such certificate and any such provision, the latter shall prevail.

Authority conveyed by certificate of fitness subject to provisions of Ordinance.

86. (1) Subject to the provisions of sub-section (3), a certificate of fitness in respect of a public motor vehicle shall become null and void where such vehicle is altered in such manner that —

Effect of alteration of public motor vehicle on certificate of fitness.

- (a) the certificate of fitness no longer correctly describes such vehicle; or
- (b) such alteration affects the terms and conditions under which such certificate was issued.

(2) Within seven days of a certificate of fitness becoming null and void in terms of sub-section (1), the holder of such certificate shall surrender it to the registering authority which issued it.

(3) The provisions of this section shall not apply in respect of a public motor vehicle where the engine only is replaced, but the owner of such motor vehicle shall, within twenty-one days of the replacement, submit to the registering authority which issued the certificate of fitness in respect of such motor vehicle, that certificate and shall at the same time furnish that authority with the new engine number of the motor vehicle, whereupon the registering authority shall amend the engine number of such motor vehicle in its register or records and on the certificate of fitness and thereafter return such certificate to the owner of the motor vehicle concerned.

(4) Any owner of a public motor vehicle who contravenes or fails to comply with the provisions of sub-section (2) or (3) shall be guilty of an offence.

87. (1) Where a person who is the holder of a certificate of fitness issued in the Territory in respect of a public motor vehicle has been convicted of a second or subsequent offence which, in the opinion of the Administrator, relates to a public motor vehicle or to such certificate, the Administrator may suspend, for such period as he may determine, or cancel every certificate of fitness held by that person and in such event he shall notify that person accordingly.

Suspension or cancellation of certificate of fitness by Administrator.

(2) If a suspension or cancellation is effected in terms of sub-section (1), the person concerned shall forthwith surrender every certificate of fitness issued to him in the Territory to the Secretary for South West Africa.

(3) The Secretary for South West Africa shall notify the registering authority concerned of every suspension or cancellation in terms of sub-section (1).

(4) Upon the expiry of any period of suspension referred to in sub-section (1), the Secretary for South West Africa shall upon request restore, to the person entitled thereto, every certificate of fitness surrendered to him in terms of sub-section (2), the validity whereof has not expired.

(5) No person shall, except with the consent of the Administrator, be entitled to obtain a certificate of fitness for a public motor vehicle —

- (a) during any period in which a certificate of fitness of which he was the holder is suspended in terms of subsection (1); or
- (b) if any certificate of fitness of which he was the holder has been cancelled in terms of sub-section (1).

(6) Where a person, who is the holder of a certificate of fitness issued outside the Territory, has been convicted of a second or subsequent offence which, in the opinion of the Administrator, relates to a public motor vehicle or to such certificate, the Administrator may inform such person that every such certificate held by him is no longer of force and effect within the Territory, and, from the date such person is so informed, such certificate shall cease to be of force and effect within the Territory.

(7) Any person who contravenes or fails to comply with the provisions of sub-section (2) shall be guilty of an offence.

88. A public driving permit shall, subject to the provisions of this Chapter and Chapter III, authorize the driving of a public motor vehicle conveying —

Classification of and authority conveyed by public driving permit.

- (a) passengers or passengers and goods; or
- (b) goods only,

and shall be classified accordingly: Provided that a public driving permit of the class referred to in paragraph (a) shall authorize the driving of a public motor vehicle of the class referred to in paragraph (b).

89. (1) A person desiring to obtain a public driving permit shall, subject to the provisions of this Chapter, apply therefor on the prescribed form to the registering authority in whose area he permanently resides or, if he has no place of permanent residence, to any registering authority: Provided that, with the consent of the Secretary for South West Africa, a person who has a place of permanent residence may apply to such registering authority, other than the registering authority in whose area he permanently resides, as the Secretary for South West Africa may determine.

Application for public driving permit.

(2) An application referred to in sub-section (1) shall —

- (a) be accompanied by the fee provided for a public driving permit in Part II of Schedule 2 to this Ordinance;
- (b) be accompanied by a licence authorizing the applicant to drive a motor vehicle in terms of this Ordinance;
- (c) be accompanied by two copies of a photograph of the applicant complying with the provisions of section 62 (3) (b);
- (d) contain a declaration in the prescribed form as to whether or not the applicant is a person who would be disqualified in terms of section 61 (f) or (g) and, in the case of a public driving permit for the conveyance of passengers or passengers and goods, a certificate by a medical practitioner that, in the opinion of such practitioner, the applicant would not be so disqualified; and
- (e) furnish details of any public driving permit already held by the applicant.

90. (1) A public driving permit shall not be issued by a registering authority —

Conditions governing issue of public driving permit.

- (a) unless, in the case of a public motor vehicle for the conveyance of passengers or passengers and goods, the applicant therefor is of the age of

twenty-one years or over or, in the case of a public motor vehicle for the conveyance of goods only, the applicant therefor is of the age of eighteen years or over and is in either case in possession of a licence authorizing the driving of a motor vehicle in terms of this Ordinance;

- (b) unless such registering authority is satisfied that the applicant —
 - (i) where he intends to drive a public vehicle carrying passengers, is competent to drive such vehicle;
 - (ii) having regard to any convictions recorded against him, is of good character; and
 - (iii) is not a person who would be disqualified in terms of section 61 (f) or (g); and
- (c) where such permit would authorize the conveyance of passengers and the applicant therefor has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or a drug having a narcotic effect, or of driving a motor vehicle while the percentage of alcohol in his blood exceeded a statutory limitation or of reckless driving, except with the consent of the Administrator.

(2) For the purposes of sub-section (1) (b) (iii), the applicant shall furnish, at his own cost, such medical evidence as the registering authority may require, whether or not medical evidence has been furnished in terms of section 89 (2) (d).

(3) (a) A registering authority shall submit every application for a public driving permit, other than for a renewal of such permit, and may submit any application for the renewal of a public driving permit to the officer in charge of the South African Police station for the area where the applicant is permanently resident or to the officer in charge of any South African Police station if the applicant has no permanent residence, for a report as to whether he has any convictions recorded against him and any such officer is hereby authorized to report accordingly.

(b) For the purpose of identifying any applicant referred to in paragraph (a), any member of the South African Police shall be entitled to take the finger and palm prints of such applicant.

(4) No person shall, except with the consent of the Administrator, be entitled to obtain a public driving permit —

- (a) during any period in which a public driving permit of which he is the holder, is suspended in terms of this Ordinance; or
- (b) if any public driving permit of which he was the holder has been cancelled in terms of this Ordinance.

(5) Where a registering authority issues a public driving permit authorizing the conveyance of passengers or passengers and goods to a person who is the holder of a public driving permit authorizing the conveyance of goods only, such person shall forthwith surrender such latter permit to such registering authority for cancellation.

(6) A public driving permit shall, subject to the provisions of this Ordinance, be valid for a period of twelve months from the date of issue thereof or, if the applicant therefor holds an unexpired public driving permit of the same class, for a period of twelve months from the date following upon the date of expiry of such unexpired public driving permit: Provided that the provisions of this sub-section shall not apply to a public driving permit referred to in section 78 (3) or (4).

(7) Where the holder of a public driving permit applies, before the expiry thereof, for a new public driving

permit, such firstmentioned permit shall, notwithstanding anything to the contrary contained in sub-section (6), remain of force and effect until such holder is notified of the result of his application for such new public driving permit by the registering authority or, in the event of an appeal in terms of section 93, by the Secretary for South West Africa.

(8) Any person who contravenes or fails to comply with the provisions of sub-section (4) or (5) shall be guilty of an offence.

91. (1) A registering authority, upon being satisfied that an applicant referred to in section 89 (1) is entitled to be issued with a public driving permit of the class applied for, shall issue such public driving permit on the prescribed form to the applicant.

Issue of public driving permit.

(2) One copy of the photograph referred to in section 89 (2) shall be affixed to the public driving permit and the other copy shall be affixed to the register or record referred to in section 94.

92. (1) Where any circumstances arise in relation to the holder of a public driving permit issued in the Territory, which, in the opinion of the Administrator, would have justified a registering authority in refusing to issue a public driving permit to such holder or such holder has been convicted of a second or subsequent offence which, in the opinion of the Administrator, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Administrator may suspend or cancel the public driving permit held by such person and in such event the Secretary for South West Africa shall notify that person accordingly.

Suspension or cancellation of public driving permit by Administrator.

(2) If a suspension or cancellation is effected in terms of sub-section (1), the person concerned shall forthwith surrender the public driving permit to the Secretary for South West Africa.

(3) The Secretary for South West Africa shall notify the registering authority concerned of any suspension or cancellation in terms of sub-section (1).

(4) Upon the expiry of any period of suspension referred to in sub-section (1), the Secretary for South West Africa shall restore to the person entitled thereto, the public driving permit surrendered to him in terms of sub-section (2), if the validity thereof has not expired.

(5) Where any circumstances arise in relation to the holder of a public driving permit issued outside the Territory which, in the opinion of the Administrator, would have justified a registering authority in refusing to issue a public driving permit to such holder or such holder has been convicted of a second or subsequent offence which, in the opinion of the Administrator, relates to the driving of a motor vehicle or a failure to stop after or report an accident, the Administrator may, through the Secretary for South West Africa, inform such person that such permit is no longer of force and effect within the Territory and from the date such person is so informed such permit shall cease to be of force and effect within the Territory.

(6) Any person who contravenes or fails to comply with the provisions of sub-section (2) shall be guilty of an offence.

93. (1) Any person who is aggrieved at —

Right of appeal to Administrator.

- (a) the refusal of an examiner of vehicles to authorize the issue to him of a certificate of fitness in respect of a public motor vehicle or the terms and conditions under which any such certificate was issued to him; or

- (b) the refusal of a registering authority to issue to him a public driving permit,

may, within twenty-one days of any such refusal, or, if the appeal relates to the terms and conditions of a certificate of fitness, within twenty-one days of the issue thereof, lodge a written notice of appeal against any such refusal or terms and conditions with the Administrator and shall at the same time submit a copy of such notice to the examiner of vehicles or registering authority concerned, as the case may be.

(2) The examiner of vehicles or registering authority shall forthwith after receipt of the copy of the notice referred to in sub-section (1), furnish the Administrator with his or its reasons, for the decision to which such notice refers.

(3) For the purpose of deciding an appeal in terms of sub-section (1), the Administrator may —

- (a) where such appeal concerns a certificate of fitness, cause the motor vehicle concerned to be examined and tested by an examiner of vehicles nominated by him; and
- (b) require either party to such appeal to furnish such information and evidence as he may deem expedient.

(4) The Secretary for South West Africa shall notify the result of an appeal in terms of sub-section (1) in writing to the parties concerned and, if such appeal is allowed, the examiner of vehicles or the registering authority, as the case may be, shall give effect to the decision of the Administrator.

94. (1) A registering authority shall keep a suitable register or record in alphabetical groups of all persons to whom certificates of fitness and public driving permits have been issued.

Register to be kept by registering authority of certificates of fitness and public driving permits.

(2) A registering authority shall record in the register or record kept by it in terms of sub-section (1), particulars of all convictions by and orders of any court affecting any certificate of fitness or public driving permit issued by such authority and of any suspension, cancellation or endorsement of any such certificate or permit in terms of or recognized by this Ordinance of which it has knowledge.

95. (1) Any certificate of fitness for a public motor vehicle or any public driving permit issued contrary to the provisions of this Chapter shall be void and the holder thereof shall, on demand by the registering authority which issued such certificate or permit or a police officer, forthwith surrender any such certificate or permit to such registering authority or police officer.

Avoidance of certificate of fitness or public driving permit issued contrary to the provisions of this Chapter.

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

96. (1) No person who —

- (a) is the owner of or is in charge or control of a motor vehicle shall employ or permit any other person to drive such vehicle on a public road as a public motor vehicle, unless such other person is the holder of a public driving permit where such permit is required in terms of this Chapter for that purpose; or
- (b) is the holder of a public driving permit under this Chapter, shall allow such permit to be used by any other person.

Permitting or assisting person not being the holder of a public driving permit to drive public motor vehicle.

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

97. (1) If in any prosecution under this Ordinance it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road, it shall be presumed, until the contrary is proved, that he so conveyed such passengers or goods for hire or reward.

Circumstances in which motor vehicle presumed to be a public motor vehicle.

(2) Where a certificate of fitness is in force in respect of a motor vehicle, such vehicle shall be presumed, until the contrary is proved, to be a public motor vehicle.

98. (1) It shall be the duty of the driver or, if there is a conductor, of the conductor of a public bus, other than a public bus used exclusively for the conveyance of school children, whenever such bus contains the number of passengers which it is permitted to carry in terms of the certificate of fitness for such bus, to exhibit a notice board with the words "FULL" and "VOL" in a conspicuous position thereon and to remove such notice board as soon as the number of passengers falls below the number so permitted.

Duty of driver, conductor and passenger in relation to public bus and public motor vehicle generally.

(2) Whenever the notice board bearing the words "FULL" and "VOL" is being exhibited in terms of sub-section (1), no person, other than a police officer, the owner of the public bus or any person acting in the execution of his duties in relation to the public bus, shall mount or enter such bus.

(3) Any person who enters a public bus contrary to the provisions of sub-section (2) shall immediately leave such bus when requested to do so by the driver or conductor thereof.

(4) The driver or conductor of a public bus shall not permit any person to mount or alight from and no person shall mount or alight from such bus while it is in motion.

(5) The driver of a public bus shall not permit any person to be in front of him or permit any passenger to be beside him while such bus is in motion unless such passenger is seated on a separate seat.

(6) The driver or conductor of a public bus shall not allow any goods to be placed in such bus in any passage-way or in such position as to obstruct or impede full and free access to any entrance or exit of such bus or in such a manner as to interfere with the reasonable comfort or convenience of, or to constitute a source of danger to any person in such bus.

(7) Any person who is requested by the driver or conductor of a public bus to move any goods in order to comply with the requirements of sub-section (6), shall immediately so move such goods.

(8) The driver or, if there is a conductor, the conductor of a public bus shall ensure that at least two means of exit are at all times kept unobstructed in such bus.

(9) No person shall, whilst travelling in or upon a public bus —

- (a) use obscene, indecent, offensive or quarrelsome language or gestures;
- (b) behave in an obscene, indecent, offensive or quarrelsome manner;
- (c) wilfully interfere in any way with the reasonable comfort or convenience of the passengers in or upon such bus;
- (d) wilfully obstruct or impede the driver or conductor of such bus in the performance of his duties;
- (e) wilfully damage such bus; or
- (f) spit upon any part of or from such bus.

(10) No person shall employ any person who is less than seventeen years of age as a conductor or permit any such person to act as a conductor on a public bus.

(11) A person making use of a public bus shall obey every lawful instruction of the conductor or driver of such bus, including a direction as to what seat in such bus such person shall occupy and shall furnish his name and address to such driver or conductor if requested on reasonable grounds to do so.

(12) The driver of a public motor vehicle which is carrying passengers shall, upon approaching any railway level crossing, stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such crossing and while so stopped shall listen and look in both directions along such rail for any approaching train and for signals indicating the approach of a train and shall not proceed until he has ascertained that it is safe to do so: Provided that the provisions of this sub-section shall not apply if the road or rail traffic at such crossing is controlled by booms or gates under the control of an employee of the South African Railways and Harbours Administration.

(13) Any person, including the driver or conductor of a public motor vehicle, who contravenes or fails to comply with the provisions of this section or any request or direction in terms thereof, shall be guilty of an offence.

CHAPTER V.

ROAD TRAFFIC SIGNS, GENERAL SPEED LIMIT AND PARKING METERS.

99. Subject to the provisions of this Ordinance, the Administrator may, for the purpose of prohibiting, restricting, regulating and controlling the use of a public road or a section of such road by traffic generally or any particular class of traffic, prescribe such signs, signals, markings or other devices (to be known as road traffic signs), their significance and the conditions and circumstances under which a road traffic sign may be displayed on a public road as he may deem expedient.

Power of Administrator to prescribe road traffic signs.

100. (1) The Administrator, or any person in the employ of the South West Africa Administration authorized thereto by him, either generally or specifically, may, in respect of any public road not situated within the area of a local authority cause or permit to be displayed in the manner prescribed, such road traffic signs as he may deem expedient.

Authority to display a road traffic sign.

(2) A local authority or any person in its employ authorized thereto by it, either generally or specifically, may, in respect of any public road within its area of jurisdiction, cause or permit to be displayed, in the manner prescribed, such road traffic signs as such authority or person may deem expedient.

(3) The South African Railways and Harbours Administration or any person in its employ authorized thereto by it, either generally or specifically, may, in respect of any railway level crossing on a public road and under its jurisdiction, cause or permit to be displayed, in the manner prescribed, such road traffic signs as such Administration or person may deem expedient.

(4) In such circumstances and subject to such conditions and arrangements as may be determined by the South African Road Safety Council, scholars and students may be organized into patrols (to be known as

scholar patrols) for the purpose of displaying in the manner prescribed, an appropriate road traffic sign for the purpose of ensuring the safety of scholars and students crossing a public road.

(5) The Administrator may authorize any association or club to display such road traffic signs and subject to such conditions as he may deem expedient or any public road referred to in sub-section (1) or (2) and any such association or club may thereupon, in the manner prescribed, display a badge or other token of the association or club in conjunction with any such road traffic sign.

(6) Notwithstanding anything to the contrary contained in this section, the Administrator may direct a local authority in respect of any public road over which it has authority in terms of sub-section (2), or the South African Railways and Harbours Administration in respect of any railway level crossing over which it has authority in terms of sub-section (3), to display or remove any road traffic sign and if such authority or Administration fails to do so, the Administrator or any person authorized thereto by him, may cause such sign to be displayed or removed, as the case may be, and the Administrator shall recover the cost thereof from such authority or Administration.

(7) Any road traffic sign displayed, on the coming into operation of this Ordinance, in terms of a repealed ordinance and which conforms to a road traffic sign referred to in section 99, shall be deemed to be displayed in terms of this Chapter.

(8) No person, who is not authorized in terms of this section to do so, shall display any road traffic sign on a public road.

(9) Any person who contravenes or fails to comply with the provisions of sub-section (8) shall be guilty of an offence.

(10) The Administrator or, within the area of a local authority, a local authority may, by notice in writing, require the owner or occupier of any land on which any road traffic sign or other thing resembling a road traffic sign is displayed or on which anything is displayed which hides from view or interferes with the effectiveness of any road traffic sign, to remove such sign or thing within a stated period, and, if such owner or occupier fails to comply with such notice, he shall be guilty of an offence and the Administrator or local authority, as the case may be, may cause such sign or other thing to be removed.

(11) Notwithstanding anything to the contrary contained in this section, the Administrator may, subject to such conditions as he may deem expedient, authorize any person to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability thereof as a road traffic sign.

(12) Any person who removes or wilfully or negligently damages or, without proper authority, alters the position or any inscription, lettering, colour or design of any road traffic sign, or any sign, signal, marking or other device referred to in sub-section (11), displayed in terms of this Chapter, shall be guilty of an offence.

101. (1) Subject to the provisions of sub-section (3), any person who, unless otherwise directed by a police officer, fails to comply with any direction conveyed by a road traffic sign displayed in the manner prescribed, shall be guilty of an offence.

Failure to obey a road traffic sign.

(2) In any prosecution for a contravention of or a failure to comply with the provisions of sub-section (1), it shall be presumed, until the contrary is proved, that the road traffic sign was displayed by the proper authority pursuant to the power given by this Ordinance and in accordance therewith with the provisions of this Ordinance.

(3) The provisions of sub-section (1) shall not apply in respect of a vehicle while it is being driven on a public road, with due regard to the safety of other traffic, as a fire engine or an ambulance or by a police officer in the performance of his duties if such vehicle is fitted with a distinctive sounding device, commonly known as a siren or with a bell and such device or bell is constantly sounded while the vehicle is being so driven in disregard of any road traffic sign.

102. (1) Unless an appropriate road traffic sign is displayed to the contrary, every public road or section thereof within an urban area shall be subject to a general speed limit of thirty-five miles per hour in excess of which no person shall drive a vehicle on any such road or section thereof.

General speed limit inside built-up area.

(2) Subject to the provisions of sub-section (3), any person who contravenes or fails to comply with the provisions of sub-section (1) shall be guilty of an offence.

(3) The provisions of sub-section (1) shall not apply where a person could not reasonably have been aware that he was on a public road or section thereof within an urban area.

103. (1) Unless an appropriate road traffic sign is displayed to the contrary, every public road or section thereof which is not subject to a general speed limit in terms of section 102, shall be subject to a general speed limit of seventy miles per hour in excess of which no person shall drive a vehicle on any such road or section thereof.

General speed limit outside built-up area.

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

104. (1) Notwithstanding anything to the contrary contained in this Chapter, the Administrator may prescribe a speed limit for any particular class of vehicle in excess of which no person shall drive a vehicle of any such class on a public road.

Power of Administrator to prescribe speed limit for different classes of vehicles.

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

105. No person shall be convicted of an offence under this Chapter relating to a speed limit unless, within ten days, of the commission of the alleged offence, notice of the prosecution or of the intention to lay a complaint with a view to prosecution specifying the nature of the alleged offence and the time when and the place where it is alleged to have been committed, has been served on such person or on the owner of the vehicle concerned.

Notice of prosecution or intended prosecution for offence relating to speed limit.

106. (1) A local authority to which the provisions of this section are applied by the Administrator by notice in the *Official Gazette*, 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, instal parking meters.

Power of local authority to instal parking meters.

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

(3) A parking meter referred to in sub-section (1), shall be installed in conjunction with a demarcated parking place and shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply and the value of the coins to be deposited for a specified period of parking.

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

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

(6) The exercise by a local authority of its functions 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 place.

CHAPTER VI.

RULES OF THE ROAD.

107. Any person driving a vehicle on a public road shall do so by driving on the left side of the roadway and, where such roadway is of sufficient width, in such manner as not to encroach on that half of the roadway to his right: Provided that such encroachment shall be permissible —

Vehicle to be driven on left side of roadway.

- (a) where it can be done without obstructing or endangering other traffic or property which is or may be on such roadway and it is not prohibited by a road traffic sign; or
- (b) in compliance with a direction of a police officer.

108. (1) Whenever any public road has been divided into two or more roadways by means of an intervening space or by a physical barrier or dividing section so constructed as to impede vehicular traffic, no person shall drive a vehicle upon such public road except upon the left-hand roadway unless directed or permitted by an appropriate road traffic sign or a police officer to use another roadway.

Driving on divided public road.

(2) No person shall drive a vehicle on, over, across or within any dividing space, barrier or section referred to in sub-section (1), except through an opening in such space, barrier or section or at a cross-over or intersection: Provided that no person shall so drive through any such opening or at any such cross-over or intersection where such driving is prohibited by an appropriate road traffic sign or police officer: Provided further that the provisions of this sub-section shall not apply to a police officer in the execution of his duties.

109. (1) Subject to the provisions of sub-sections (2) and (4) and section 107, the driver of a vehicle intending to pass any other vehicle proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again drive on the left side of the roadway until safely clear of the vehicle so passed: Provided that, in the circumstances as aforesaid, passing to the left of such vehicle shall be permissible if the person

Passing of vehicle.

driving the passing vehicle can do so with safety to himself and other traffic or property which is or may be on such road and —

- (a) the vehicle being passed is turning to its right or the driver thereof has signalled his intention of turning to his right;
- (b) such road is a public road in an urban area and —
 - (i) is restricted to vehicles moving in one direction; and
 - (ii) the roadway is of sufficient width for two or more lines of moving vehicles;
- (c) such road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;
- (d) the roadway of such road is restricted to vehicles moving in one direction and is divided into traffic lanes by appropriate road traffic signs; or
- (e) he is driving in compliance with the directions of a police officer or in traffic which is under the general direction of such officer, and in accordance with such direction,

and in no event shall any passing referred to in the foregoing paragraphs be done by driving on the shoulders of the roadway or on the verge of the public road concerned.

(2) The driver of a vehicle shall not pass other traffic proceeding in the same direction on a public road when approaching—

- (a) the summit of a rise;
- (b) a curve; or
- (c) any other place,

where his view is so restricted that any such passing could create a hazard in relation to other traffic which might approach from the opposite direction, unless —

- (i) he can do so without encroaching on the right-hand side of the roadway; or
- (ii) the roadway of such road is restricted to vehicles moving in one direction.

(3) The driver of a vehicle on a public road shall, except in the circumstances referred to in the proviso to sub-section (1), upon becoming aware of other traffic proceeding in the same direction and wishing to pass his vehicle, cause his vehicle to travel as near to the left edge of the roadway as is possible without endangering himself or other traffic or property on the roadway and shall not accelerate his vehicle until the other vehicle has passed.

(4) When about to pass oncoming traffic, the driver of a vehicle on a public road shall ensure that the vehicle driven by him does not encroach on the roadway to his right in such manner as may obstruct or endanger such oncoming traffic.

(5) The driver of a vehicle intending to pass a stationary bus on a public road shall do so with due care for the safety of persons who are approaching or leaving or may approach or leave such bus.

110. (1) The driver of a vehicle shall not cross a public road unless such road is clear of moving traffic for a sufficient distance to allow him to cross such road without obstructing or endangering any such traffic.

Crossing or entering public road or traffic lane.

(2) The driver of a vehicle shall not enter a public road unless he can do so with safety to himself and others.

(3) The driver of a vehicle on a public road divided into traffic lanes by appropriate road traffic signs shall not turn from one lane into or across another lane unless he can do so without obstructing or endangering other traffic.

111. The driver of a vehicle on a public road who intends to stop such vehicle or reduce suddenly the speed thereof or to turn such vehicle to the left or to the right, shall, except in the case of an emergency when time does not permit, give a conspicuous signal, in the manner prescribed, of such intention, visible to any person approaching him from the front, or from the rear, or from the side, and of a duration sufficient to warn any such person of such intention.

Driving signals.

112. The driver of a vehicle on a public road shall, when he intends entering any portion of a public road which constitutes a junction of two or more public roads where vehicular traffic is required to move around a traffic island within such junction, yield the right of way to all vehicular traffic approaching from his right within such junction, unless his entry into such junction is controlled by an instruction given by a police officer or a direction conveyed by a road traffic sign requiring him to act differently.

Right of way at certain road junctions.

113. (1) The driver of a vehicle on a public road who desires to turn to the left, shall, having due regard to the provisions of section 112, before reaching the point at which he intends to turn, indicate, in the prescribed manner, his intention to turn and shall steer his vehicle as near to the left side of the roadway on which he is travelling as circumstances may permit and shall make such turn with due care and merge into such traffic stream as may at the time be proceeding along, towards or into the public road into which he desires to turn.

Procedure when turning.

(2) The driver of a vehicle on a public road who desires to turn to the right shall, having due regard to the provisions of section 112, before reaching the point at which he desires to turn, indicate, in the prescribed manner, his intention to turn and shall not effect such turning unless he can do so without obstructing or endangering other traffic and —

- (a) if he is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in both directions —
 - (i) he shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the roadway on which he is travelling; and
 - (ii) where the turn is at an intersection, he shall not encroach on the right half of the roadway into or out of which he intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by any appropriate road traffic sign; or
- (b) if he is driving a vehicle on a roadway of a public road where such roadway is intended for traffic in one direction only —
 - (i) he shall steer such vehicle as near as circumstances permit to the right side of such roadway; and

- (ii) where the turn is at an intersection he shall not encroach on the right half of the roadway into which he intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by an appropriate road traffic sign.

114. No person shall operate any vehicle on a public road towing another vehicle — Towing of vehicles.

- (a) unless the tow-rope or chain or other connecting appliance is so adjusted that the distance separating the two vehicles does not exceed twelve feet;
- (b) unless the towed vehicle is securely attached to the towing vehicle and is under proper control;
- (c) unless the means of connection between the two vehicles has been rendered easily discernible to other users of such public road: Provided that the provisions of this paragraph shall not apply where the towed vehicle is a trailer or where the distance separating the two vehicles does not exceed six feet;
- (d) unless there is a person in control of the steering apparatus of the towed vehicle, where such towed vehicle is a motor vehicle other than a trailer, and such person holds a licence entitling him to drive the class of vehicle which is being towed or a licence authorizing him to drive a vehicle of the class referred to in section 58 (1) (i): Provided that the provisions of this paragraph shall not apply when a vehicle is so towed that its steerable wheel or wheels is or are carried clear of the ground or where the towed vehicle is connected to the towing vehicle by a steering lock tow-bar;
- (e) at a speed in excess of the rate of twenty miles per hour in the case of a motor vehicle towing another motor vehicle, other than a trailer, unless the connecting appliance is a tow-bar;
- (f) if the towed vehicle is conveying passengers, except where such towed vehicle is a semi-trailer: Provided that a tractor not designed for or capable of exceeding a speed of twenty miles per hour on a reasonably level road, may tow one trailer conveying passengers, otherwise than for hire or reward, where such conveyance is not prohibited in terms of any other provision of this Ordinance; or
- (g) if the towed vehicle is a motor vehicle without efficient brakes, unless the connecting appliance is a tow bar.

115. Except in order to avoid an accident or in compliance with a road traffic sign or with a direction given by a police officer or for any cause beyond the control of the driver, no person shall stop a vehicle on the roadway of a public road — Stopping of vehicle.

- (a) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;
- (b) within any tunnel or subway or on any bridge or within twenty feet of any tunnel, subway or bridge;
- (c) in or within twenty feet of the beginning or end of any part of such roadway where the normal width thereof has for any reason been constricted;
- (d) in contravention of a road traffic sign;
- (e) on the right-hand side thereof facing oncoming traffic;

- (f) alongside or opposite any other vehicle on such roadway, where such roadway is less than thirty feet wide;
- (g) within the railway reserve at a level crossing; or
- (h) in any other place where the stopping of the vehicle would or would be likely to constitute a danger or an obstruction to other traffic.

116. (1) No person shall park a vehicle on a public road — Parking of vehicle.

- (a) in contravention of any road traffic sign;
- (b) in any place specified in section 115;
- (c) on the same side as a fire hydrant within an area bounded by the centre line of the roadway and lines at right angles to such centre line five feet on either side of the hydrant, if such hydrant is clearly visible to and recognizable as such by drivers of moving vehicles, or if it is indicated by an appropriate road traffic sign;
- (d) in any place where the vehicle would obscure any road traffic sign;
- (e) in such manner as to encroach upon the sidewalk, if any; or
- (f) across any private or public vehicular entrance to such road.

(2) No person shall park a vehicle on any portion of the roadway (excluding the shoulders) of a public road outside an urban area or with any part of such vehicle within three feet of the edge of such roadway except in a parking place demarcated by an appropriate road traffic sign.

(3) No person shall park a vehicle on a roadway of a public road within an urban area —

- (a) within thirty feet of his approach side of a pedestrian crossing demarcated by appropriate road traffic signs, unless such parking is permitted by appropriate road traffic signs;
- (b) within fifteen feet of any intersection;
- (c) upon or over the actuating mechanism of a robot;
- (d) with the outside of any lefthand wheel of the vehicle more than eighteen inches within the roadway unless such parking is done in conformity with an appropriate road traffic sign; or
- (e) which is less than eighteen feet wide.

117. The provisions of sections 115 and 116 shall not apply in respect of an ambulance, a fire engine, a vehicle used by a police officer in the execution of his duty or a vehicle used on the construction or maintenance of a public road or the supply of electricity or water or any other essential public service if, such service cannot properly be performed without infringing such provisions. Exemptions from stopping and parking provisions.

118. The driver of a vehicle on a public road shall stop such vehicle — Compulsory stops.

- (a) in compliance with any direction conveyed by a road traffic sign or given by a police officer in uniform; or
- (b) at the request or on the signal of a person leading, riding or driving any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich on such road.

119. (1) No person having a vehicle on a public road shall — General duties of driver or passenger of vehicle on public road.

- (a) cause such vehicle to travel backwards unless it can be done in safety and is not done for a greater distance or time than may be necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on such road;

- (b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of such other vehicle and the traffic on and the condition of the roadway;
- (c) permit any person to occupy any position in or on such vehicle which may prevent the driver thereof from exercising complete control over the movements of the vehicle or signalling his intention of stopping, slowing down or changing direction;
- (d) when driving such vehicle, permit any person to take hold of or interfere with the steering or operating mechanism of the vehicle;
- (e) when driving such vehicle, occupy such position that he has not complete control over such vehicle or has not a full view of the roadway and traffic ahead of such vehicle;
- (f) allow such vehicle to remain unattended on such road without so setting its brake or adopting such other method as will effectively prevent the vehicle from moving from the position in which it is left;
- (g) if such vehicle is parked at the side of such road, drive the vehicle from that position unless he is able to do so without interfering with moving traffic approaching from either direction and with safety to himself and others;
- (h) fail to give an immediate and absolute right of way to a vehicle sounding a siren or bell in terms of section 101 (3);
- (i) allow any portion of his body to protude beyond such vehicle while it is in motion on such road except for the purpose of giving any hand signal which he is required or authorized to give in terms of this Ordinance or unless he is engaged in examining or testing such vehicle;
- (j) permit any person or animal to occupy the roof, any step or running board of such vehicle while such vehicle is in motion;
- (k) cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or run in an efficient manner;
- (l) cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;
- (m) negligently or wilfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or grease or other inflammable or offensive matter, ashes or other refuse from such vehicle upon such road or into any running water; or
- (n) cause or allow the engine thereof to run while petrol or other inflammable fuel is being delivered into the fuel tank of such vehicle or cause or allow such engine to be started up before the delivery of the petrol or other inflammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced.

(2) No person, other than the driver, shall take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling such vehicle.

(3) No passenger in a vehicle on a public road shall permit any part of his body to protrude beyond such vehicle.

(4) No person shall enter or alight from any vehicle on a public road unless such vehicle is stationary and unless he can do so with safety to himself and other users of the road.

(5) No person shall drive, pull or push a vehicle upon a sidewalk: Provided that the provisions of this sub-section shall not apply to a perambulator, invalid chair, baby cart or child's play vehicle.

120. (1) No person shall drive a motor cycle or motor tricycle on a public road unless his feet are resting on foot rests suitable for the purpose and, where the design of such motor cycle or motor tricycle makes it possible to do so, he is seated astride on the saddle of such motor cycle or motor tricycle.

Duties relating to a motor cycle or motor tricycle.

(2) No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity exceeding fifty cubic centimeters and unless such passenger is seated in a sidecar or astride a pillion attached to such cycle and, in such latter event, foot rests have been provided for such passenger.

(3) Subject to the provisions of sub-section (2), not more than two persons shall ride upon a motor cycle on a public road excluding a person riding in a sidecar attached to such motor cycle.

(4) Not more than two adult persons shall be carried in a side-car attached to a motor cycle on a public road.

(5) No person or animal or article shall be carried on a motor cycle or motor tricycle on a public road in front of the driver thereof: Provided that an article of a non-bulky nature may be so carried if securely attached thereto or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his exercising complete control over such motor cycle or motor tricycle.

(6) (a) Persons, other than a police officer, driving motor cycles on a public road shall drive in single file except in the course of overtaking another motor cycle and two or more persons driving motor cycles shall not overtake another vehicle at the same time: Provided that where a public road is divided into traffic lanes, each such lane shall, for the purposes of this paragraph, be regarded as a public road.

(b) For the purposes of paragraph (a), a motor cycle shall include a motor tricycle.

(7) No person driving a motor cycle or motor tricycle on a public road shall take hold of any other vehicle in motion.

(8) A person driving a motor cycle or motor tricycle on a public road shall do so with at least one hand on the handle-bars of such motor cycle or motor tricycle.

121. (1) No person shall operate a vehicle on a public road if such vehicle causes any excessive noise either directly or indirectly as a result of —

Vehicle causing excessive noise.

- (a) any defect therein, including a defect in design or construction, lack of repair to or faulty adjustment of such vehicle or any part or accessory thereof;
- (b) the faulty packing or adjustment of the load of such vehicle;
- (c) the use, except the use of a siren or bell in terms of section 101 (3), of any fitting or device which produces excessive noise; or
- (d) any wilful act or omission by such person.

(2) In any prosecution under sub-section (1) it shall be a good defence if the person charged proves to the satisfaction of the court that the noise, in respect of which

he is charged, was due to some temporary or accidental cause and could not have been prevented by the exercise of due diligence and care on his part.

122. No person shall on a public road use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this Ordinance or on the grounds of safety. Use of hooter.

123. (1) No person shall ride a pedal cycle on a public road unless he is seated astride on the saddle of such pedal cycle. Riding of pedal cycles.

(2) Persons riding pedal cycles on a public road shall ride in single file except in the course of overtaking another pedal cycle and two or more persons riding pedal cycles shall not overtake another vehicle at the same time.

(3) No person riding or seated on a pedal cycle on a public road shall take hold of any other vehicle in motion.

(4) No person riding a pedal cycle on a public road shall deliberately cause such pedal cycle to swerve from side to side.

(5) No person riding a pedal cycle on a public road shall carry thereon any person, animal or article which obstructs his view or which prevents him from exercising complete control over the movements of such pedal cycle.

(6) A person riding a pedal cycle on a public road shall do so with at least one hand on the handle-bars of such pedal cycle.

(7) Whenever a portion of a public road has been set aside for use by persons riding pedal cycles, no person shall ride a pedal cycle on any other portion of such road.

124. (1) Whenever rails laid across any public road are used for the purposes of any privately owned locomotive or other privately owned vehicle running on rails, whether drawn or propelled, no person driving or being in charge of such locomotive or vehicle shall cause or allow such locomotive or vehicle to cross such public road unless he has given sufficient warning to users of such roadway of the intention to drive, draw or propel the locomotive or vehicle across such road. Vehicle running on rails.

(2) No person driving or being in charge of any locomotive or vehicle referred to in sub-section (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.

125. (1) Subject to the provisions of sub-section (2), no person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a public road where that section is fenced or in any other manner enclosed along both sides, and no person shall leave such animal or ostrich in a place from where it may stray onto any such section of a public road. Animal on public road.

(2) The provisions of sub-section (1) shall not apply to —

- (a) any animal which is being ridden or is being used to draw a vehicle along a public road; or
- (b) any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.

(3) In any prosecution for a contravention of sub-section (1), it shall be presumed, until the contrary is proved, that any animal or ostrich referred to in sub-section (1) was left or allowed to be on the section of the public road or place concerned by the owner of such animal or ostrich, and a section of a public road shall be regarded as fenced or enclosed along both sides even though there is any opening providing access to such road in the fence or other enclosure.

(4) No person shall drive any animal referred to in sub-section (1) along the roadway of a public road during the period between half-an-hour after sunset and half-an-hour before sunrise, unless a person carrying a red light visible in clear weather for a distance of at least five hundred feet tends such animal or, in the case of a flock or herd of more than ten animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals.

(5) A person in charge of an animal on a public road shall tend it in such a manner as not to constitute an obstruction or danger to other traffic.

126. (1) No person shall operate an animal-drawn vehicle on a public road unless the name and address of the owner thereof is affixed or painted in a conspicuous position on the left side of such vehicle in letters not less than one inch high: Provided that nothing herein contained shall apply to a vehicle used solely for the conveyance of persons otherwise than for hire or reward.

Animal-drawn
vehicles.

(2) No person shall operate an animal-drawn vehicle on a public road unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.

(3) The owner of an animal-drawn vehicle shall not cause or permit such vehicle to be used on a public road by any person who is not competent whether by reason of his age or otherwise to drive and control such vehicle.

(4) The driver of an animal-drawn vehicle on a public road shall at all times give his undivided attention to the driving of the vehicle under his control and, if the vehicle is standing on a public road, the driver shall not cease to retain control over every animal which is still harnessed to the vehicle unless some other person competent to do so takes charge of every such animal or every such animal is so fastened that no such animal can move from the place where it has been left.

(5) No person shall operate a vehicle drawn by a team of animals not controlled by reins on a public road, unless there be a person leading the team and exercising control over such team.

(6) The driver or other person in charge of a vehicle drawn by any animal shall not, on a public road outside an urban area, permit such vehicle to follow any other vehicle similarly drawn at a distance of less than five hundred feet reckoned from the foremost animal of such first-mentioned vehicle, except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at a greater speed, having overtaken such vehicle, is drawing away from it.

127. (1) Where a pedestrian crossing is situated in conjunction with a robot, a pedestrian shall not enter such crossing except in accordance with the indications of such robot as prescribed.

Pedestrian's right
of way in
pedestrian
crossing.

(2) In circumstances not referred to in sub-section (1), the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a pedestrian crossing when the pedestrian is upon the half of the roadway upon which the vehicle is travelling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(3) No pedestrian shall suddenly enter a pedestrian crossing and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield as contemplated in sub-section (2).

(4) Whenever any vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear shall not pass such stopped vehicle.

128. (1) Whenever a sidewalk or footpath abutts on the roadway of a public road, a pedestrian shall not walk in such roadway except for the purpose of crossing from one side of such roadway to the other or for some other sufficient reason.

Duties of pedestrians.

(2) A pedestrian on a public road which has no sidewalk or footpath abutting on the roadway, shall walk as near as is practicable to the edge of the roadway on his right-hand side so as to face oncoming traffic on such roadway.

(3) No pedestrian shall cross a public road without satisfying himself that the roadway is sufficiently free of oncoming traffic to permit him to do so in safety.

(4) A pedestrian, when crossing a public road by means of a pedestrian crossing or in any other manner, shall not loiter thereon but shall proceed with due despatch.

(5) No pedestrian on a public road shall conduct himself in such a manner as to or as is likely to constitute a source of danger to himself or to other traffic which is or may be on such road.

129. (1) No person shall, without the prior written consent of the Administrator, organize or take part in any race, speed trial, reliability trial, hill-climbing competition or sports meeting on a public road.

Racing and sports on public roads.

(2) In granting his consent in terms of sub-section (1), the Administrator may, in addition to any prescribed requirements, impose such conditions for ensuring the public safety as he may deem proper in the circumstances of any particular case and he may exempt the participants in such race, trial, competition or sports meeting, as the case may be, as well as the organizer or officials engaged in connection therewith, from the observance of any speed limit, restriction or prohibition relating to traffic on the public road or section thereof concerned: Provided that in lieu of granting exemption from any such speed limit, the Administrator may fix some other speed limit in respect of such public road or section thereof and in such event such speed limit shall apply only to such race, trial, competition or sports meeting, as the case may be.

130. (1) No person shall wilfully or unnecessarily prevent, hinder or interrupt the free and proper passage of traffic on a public road.

Hindering or obstructing traffic on public road.

(2) Subject to the provisions of this Ordinance or any other law, no person shall place or abandon or cause to be placed or abandoned on a public road, any object which may endanger or cause damage to traffic on such road.

131. (1) Any vehicle standing on a public road in a position or in circumstances which, in the opinion of a police officer, are likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a safer place by any such police officer.

Vehicle left or abandoned on public road.

(2) Any vehicle which has been parked in a place where the stopping of a vehicle is prohibited in terms of section 115 or which has been left in the same place on a public road for a continuous period of more than seven days, shall be deemed to have been abandoned by the owner thereof, and may be removed by or at the instance of the authority having jurisdiction over such road and such authority shall take all reasonable steps to endeavour to trace the owner thereof and such owner shall be liable to such authority for the expenses incurred —

(a) in the removal of the vehicle;

(b) in the custody thereof for a period not exceeding four months; and

(c) in connection with the endeavour to trace him, and such authority may, subject to the provisions of sub-section (3), retain possession of such vehicle until such expenses have been paid.

(3) If —

- (a) such owner is traced by the authority referred to in sub-section (2) and fails to recover the vehicle concerned and pay the expenses referred to in that sub-section within fourteen days of being requested to do so; or
- (b) after a lapse of three months from the date of removal referred to in sub-section (2), the owner cannot be traced,

such vehicle and anything contained therein may be offered for sale by public auction after fourteen days notice thereof has been given in at least one English and one Afrikaans newspaper circulating in the Territory and, whenever possible, the authority which registered such vehicle shall be advised of such sale.

(4) The proceeds of any sale referred to in sub-section (3) shall be applied first to the cost of the removal, custody, advertising and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle and any balance shall be paid to the owner thereof upon his establishing his claim thereto: Provided that if no claim be established within one year of the date of such sale, such balance shall be forfeited to the authority concerned.

(5) An authority referred to in sub-section (2) may delegate, either generally or specifically, any power conferred upon it in terms of that sub-section to any person in its employ.

(6) The exercise by any person or authority of the powers conferred by this section shall not render such person or authority subject to any liability in respect of the loss or theft of or damage to any vehicle or part thereof or of anything therein.

(7) Without prejudice to the provisions of any other law, any person who leaves a vehicle in the same place on a public road for a continuous period of more than seven days shall be guilty of an offence.

132. No person shall on a public road —

- (a) cause a wheel of any vehicle to drag upon the surface of the roadway, except in the case of emergency;
- (b) make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway; or
- (c) use any vehicle or thing or move any vehicle or thing on the roadway in a manner causing or likely to cause damage thereto.

Damage to public road.

133. Except on or in premises licensed by competent authority, no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods —

- (a) on any public road, within six hundred feet of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon;
- (b) on any public road inside an urban area, within thirty feet of any intersection thereon; or
- (c) on any public road outside an urban area, except in such circumstances and subject to such conditions as the Administrator may by regulation provide or, in the absence of such regulation, as he may determine, either generally or specifically: Provided that no such regulation or determination shall apply within six hundred feet of any intersection on such road.

Trading on public roads.

134. Any person who contravenes or fails to comply with any provision of this Chapter or with any direction or request in terms thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

Offences and penalties.

CHAPTER VII.

ACCIDENTS AND ACCIDENT REPORTS.

135. (1) The driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property or animal —

Duty of driver in event of accident.

- (a) shall immediately stop the vehicle;
- (b) shall ascertain the nature and extent of any injury sustained by any person;
- (c) if a person is injured, shall render such assistance to the injured person as he may be capable of rendering;
- (d) shall ascertain the nature and extent of any damage sustained;
- (e) if required so to do by any person having reasonable grounds for so requiring, shall give his name and address, the name and address of the owner of the vehicle driven by him and, in the case of a motor vehicle, the registration or similar mark thereof;
- (f) if he has not already furnished the information referred to in paragraph (e) to a police officer at the scene of the accident, shall, unless he is incapable of doing so by reason of injuries sustained by him in the accident, as soon as reasonably practicable, and in any case, within twenty-four hours after the occurrence of such accident, report the accident to any police officer at a police station or at any office set aside by competent authority for use by a traffic officer and there furnish such information as is referred to in that paragraph; and
- (g) shall not, except on instructions of or when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor or drug having a narcotic effect unless he has complied with the provisions of paragraph (f), where it is his duty to do so, and has been examined by a medical practitioner if such examination is required by a police officer.

(2) Any person who contravenes or fails to comply with any provision of sub-section (1) shall be guilty of an offence and liable on conviction —

- (a) in any case of the death of or injury to a person and in which it is proved that he has failed to carry out any duty referred to in paragraph (a), (b), (c) or (f) of that sub-section, to a fine not exceeding one thousand two hundred rand or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment;

- (b) in any case of damage in respect of any property or animal and in which it is proved that he has failed to carry out any duty referred to in paragraph (a), (d) or (f) of that sub-section, to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment;
- (c) in any case referred to in paragraph (g) of that sub-section, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment; or
- (d) in any other case, to a fine not exceeding one hundred rand or to imprisonment not exceeding three months, or to both such fine and imprisonment.

(3) (a) No person shall in an urban area remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest, until such removal has been authorized by a police officer, except when such accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved may, without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.

(b) Any person who contravenes or fails to comply with any provision of paragraph (a) shall be guilty of an offence.

(4) In any prosecution for a contravention of any provision of this section, it shall be presumed, until the contrary is proved, that the accused was aware of the fact that an accident had occurred.

(5) In this section the word "animal" means any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich.

136. (1) The person in charge of any garage or other place where motor vehicles are repaired, to which is brought, for the purpose of repair, any motor vehicle showing signs or marks of having recently been involved in an accident shall, as soon as reasonably practicable and in any case not later than twenty-four hours thereafter, report such occurrence to the nearest police station, stating the nature of such signs or marks, the engine number, the registration or similar mark and, if known, the name and address of the owner and driver of such vehicle and shall within such period reduce such report to writing on the prescribed form and forward such form to such police station.

Report required from garage of motor vehicle involved in accident.

(2) A person required to furnish a report on the prescribed form in terms of sub-section (1), shall retain a copy of such report for a period of three years from the date on which such report is made and any such report shall, on demand, be produced to a police officer.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (1) or (2) or a demand in terms of sub-section (2) shall be guilty of an offence.

(4) In any prosecution under this section, the onus of proof that the report was furnished shall be upon the accused.

137. Any person who is required to make a report or furnish information in terms of section 135 or 136 and who knowingly makes a false report or knowingly furnishes false information shall be guilty of an offence.

False accident report.

CAPTER VIII.

RECKLESS OR NEGLIGENT DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A DRUG HAVING A NARCOTIC EFFECT AND MISCELLANEOUS OFFENCES.

138. (1) Any person who drives a vehicle on a public road recklessly or negligently shall be guilty of an offence. Reckless or negligent driving.

(2) Without restricting the ordinary meaning of the word "recklessly", any person who drives a vehicle in wilful or wanton disregard for the safety of persons or property shall be deemed to drive that vehicle recklessly.

(3) In considering whether an offence has been committed under sub-section (1), the court shall have regard to all the circumstances of the case including, but without prejudice to the generality of the foregoing, the nature, conditions and use of the public road upon which the offence is alleged to have been committed, the amount of traffic which at the time actually was or which could reasonably have been expected to be upon that road and the speed at and manner in which the vehicle was driven.

(4) A person convicted of an offence under sub-section (1) shall be liable —

- (a) in the case of the court finding that the offence was committed by driving recklessly, to a fine not exceeding eight hundred rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment; or
- (b) in the case of the court finding that the offence was committed by driving negligently, to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

139. Any person who drives a vehicle on a public road without reasonable consideration for any other person using that road shall be guilty of an offence. Inconsiderate driving.

140. (1) Any person who on a public road —

- (a) drives a vehicle; or
- (b) occupies the driver's seat of a motor vehicle, the engine whereof is running,

while under the influence of intoxicating liquor or a drug having a narcotic effect, shall be guilty of an offence and liable on conviction to a fine not exceeding eight hundred rand or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Driving while under the influence of intoxicating liquor or a drug having a narcotic effect or with excessive amount of alcohol in blood.

(2) Any person who on a public road —

- (a) drives a vehicle; or
- (b) occupies the driver's seat of a motor vehicle, the engine whereof is running,

while the percentage of alcohol in his blood expressed in grams per one hundred millilitres of blood is not less than 0.15 per cent, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(3) If, in any prosecution for a contravention of the provisions of sub-section (2), it is proved that the percentage of alcohol in the blood of the person concerned was not less than 0.15 per cent per one hundred millilitres of blood at any time within two hours after the alleged offence, it shall be presumed, unless the contrary is prov-

ed, that the percentage of alcohol was not less than 0.15 per cent at the time of the alleged offence.

141. (1) Any person who, without reasonable cause or without the consent of the owner or person in lawful charge of a vehicle —

Unauthorized acts in relation to vehicle.

- (a) sets the machinery thereof in motion;
 - (b) places such vehicle in gear;
 - (c) in any way interferes with the machinery, accessories or parts of such vehicle; or
 - (d) enters or climbs upon such vehicle,
- while such vehicle is on a public road shall be guilty of an offence.

(2) Any person who, without the consent of the owner or person in lawful charge of any vehicle, rides in or drives such vehicle on a public road shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year, or to both such fine and imprisonment.

(3) Any person who without lawful excuse tampers with or wilfully damages a vehicle on a public road, or any part of the equipment or the accessories of any such vehicle, or throws any object at any such vehicle, shall be guilty of an offence.

142. Without prejudice to any other provision of this Ordinance, any person who —

Furnishing false information.

- (a) in connection with any application under this Ordinance; or
 - (b) in connection with the furnishing of any information which, to his knowledge, is to be or may be used for any purpose under this Ordinance,
- makes a declaration or furnishes information which to his knowledge is false or in any material respect misleading, shall be guilty of an offence.

143. (1) If, in relation to any vehicle, any person (whether in writing or by drawing or in any other manner) counterfeits or, with intent to deceive, substitutes, alters, defaces, mutilates or adds anything to any registration mark or similar mark where such similar mark has been issued by a competent authority outside the Territory or, if any person knowing that any such mark has been so counterfeited, substituted, altered, defaced, mutilated or added to, operates that vehicle on a public road under such mark, such person shall be guilty of an offence.

Unlawful acts in relation to registration or document.

(2) Any person who counterfeits or, with intent to deceive, alters, defaces, mutilates or adds anything to any certificate, licence or document issued or recognized in terms of this Ordinance or who knowing that any such certificate, licence or document has been so counterfeited, altered, defaced, mutilated or added to, uses that certificate, licence or document or permits that certificate, licence or document to be used by any other person, shall be guilty of an offence.

(3) Any person who —

- (a) uses any certificate, licence or other document issued or recognized in terms of this Ordinance of which he is not the holder; or
 - (b) permits any certificate, licence or other document issued or recognized in terms of this Ordinance of which he is the holder to be used by any other person,
- shall be guilty of an offence.

144. Any person, not being a traffic officer or an inspector of licences, who —

Personating traffic officer or inspector of licences, or inducing any such officer to forego his duty.

- (a) by words, conduct or demeanour, pretends that he is a traffic officer or an inspector of licences; or
 - (b) connives with, induces or attempts to induce any traffic officer or inspector of licences to omit to carry out his duty or to do an act in conflict with his duty,
- shall be guilty of an offence.

CHAPTER IX.

POWER OF COURT TO ISSUE ORDER FOR ENDORSEMENT, SUSPENSION OR CANCELLATION OF DRIVING LICENCE OR PERMIT OR DISQUALIFYING PERSON FROM OBTAINING LEARNER'S OR DRIVER'S LICENCE.

145. (1) Whenever a licensed driver is charged with any offence under this Ordinance relating to the driving of a motor vehicle or a failure to stop after or report an accident, he shall produce every licence and permit of which he is the holder or duplicate thereof, if he is not in possession of the original, to the court at the time of the hearing of the charge or at the time of the hearing of any appeal against a conviction on such charge.

Production of driving licence and permit to court.

(2) For the purposes of this Chapter —

- (a) "licence" means —
- (i) a learner's or driver's licence; or
 - (ii) a similar licence issued by competent authority outside the Territory; and
- (b) "permit" means —
- (i) a public driving permit; or
 - (ii) a similar permit issued by competent authority outside the Territory.

(3) Any driver referred to in sub-section (1), who fails, without reasonable excuse, to produce every licence and permit, of which he is the holder, in terms of that sub-section shall be guilty of an offence.

146. Subject to the provisions of section 147, any court before which a person is convicted of an offence under this Ordinance or of an offence at common law relating, in either case, 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 —

General power of court to issue an order for the endorsement, suspension or cancellation of a licence or permit or disqualifying a person from obtaining a learner's or driver's licence.

- (a) the holder of a licence or of a licence and permit, that particulars of the conviction, sentence and any other order of the court consequent thereon be endorsed on such licence or licence and permit and the registrar or clerk of such court shall endorse such licence or licence and permit accordingly;
- (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 or licence and permit as provided for in paragraph (a); or
- (c) not the holder of a licence, declaring him to be disqualified from obtaining a learner's or driver's licence, either indefinitely or for such period as the court may deem fit:

Provided that the making of any endorsement in terms of this section may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of: Provided further that this section shall not be construed as authorizing the cancellation of a licence which is an international driving permit.

147. (1) Subject to the provisions of sub-section (4), any court before which a person is convicted of an offence referred to in —

- (a) section 135 (2) (a);
- (b) section 138 (1), if the finding of the court is that such offence was committed by driving the vehicle concerned recklessly; or
- (c) section 140,

shall, where such person is the holder of a licence or licence and permit and where such person has not previously been convicted of any such offence or, in the opinion of the court, a similar offence under a repealed ordinance or the law of any province of the Republic of South Africa issue an order that such licence or licence and permit be —

- (i) suspended for such period, not being less than six months, as it may deem fit; or
- (ii) cancelled,

or, if such person is not the holder of any licence or permit, issue an order disqualifying such person from obtaining a learner's or driver's licence, either indefinitely or for a period of not less than six months.

(2) Subject to the provisions of sub-section (4), any court before which a person is convicted of an offence referred to in sub-section (1), shall, where such person is the holder of a licence or a licence and permit and where such person has one previous conviction referred to in that sub-section, issue an order that such licence or licence and permit be —

- (a) suspended for such period, not being less than twelve months, as it may deem fit; or
- (b) cancelled,

or, if such person is not the holder of any licence or permit, issue an order disqualifying such person from obtaining a learner's or driver's licence, either indefinitely or for a period of not less than twelve months.

(3) Subject to the provisions of sub-section (4), any court before which a person is convicted of an offence referred to in sub-section (1), shall, where such person is the holder of a licence or a licence and permit and where such person has two or more previous convictions referred to in that sub-section, issue an order that such licence or licence and permit be cancelled or, if such person is not the holder of any licence or permit, issue an order indefinitely disqualifying such person from obtaining a learner's or driver's licence.

(4) Nothing in this section contained shall be construed as authorizing the cancellation of a licence which is an international driving permit.

(5) Any licence or permit suspended or cancelled in terms of this section, shall be endorsed as provided for in section 146 (a).

(6) The making of any endorsement in terms of sub-section (5) may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of.

148. (1) Where a court has issued an order that any licence or permit be endorsed, suspended or cancelled, the registrar or clerk of such court shall advise the Secretary for South West Africa and the competent authority which issued such licence or permit thereof and of the conviction and sentence of the person concerned.

(2) Where the court has issued an order that a person be disqualified from obtaining a learner's or driver's licence, the registrar or clerk of such court shall cause the Secretary for South West Africa to be advised thereof and of the conviction and sentence of the person concerned.

Duty of court to issue an order for the suspension or cancellation of a licence or permit or disqualifying a person from obtaining a learner's or driver's licence.

Procedure subsequent to endorsement, suspension or cancellation of licence or permit or order of disqualification.

(3) Where the court has issued an order that a licence or permit be cancelled, the registrar or clerk of such court shall transmit such licence or permit to the Secretary for South West Africa.

(4) A licence or permit which has been suspended as a result of an order by a court shall, during the period of suspension, be retained by the registrar or clerk of such court, and, at the expiration of such period, shall be returned to the person entitled thereto at his request.

(5) Whenever any licence or licence and permit are endorsed, suspended or cancelled by a court, such endorsement, suspension or cancellation shall apply to every other licence or licence and permit held by the person concerned.

CHAPTER X.

GENERAL PENALTY AND LEGAL PROCEDURE.

149. (1) Any person convicted of an offence under this Ordinance for which no penalty is expressly provided, shall be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

General penalty in respect of offence where penalty not expressly provided.

(2) A court convicting a person of a contravention of section 4, section 8 (1) or section 10 (2) relating to a failure to pay any amount due under this Ordinance, shall, in addition to any sentence which may be imposed, order such person to pay forthwith or within such period as the court may determine, the fee and penalty payable in terms of this Ordinance, and, if he fails to pay as ordered, may sentence him to imprisonment for any term not exceeding three months.

(3) Any person who contravenes or fails to comply with the provisions of section 50 shall be guilty of an offence and on conviction, be liable to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

150. Where in any prosecution under this Ordinance it is alleged that an offence was committed on a public road, such road shall be presumed to be a public road until the contrary is proved.

Presumption in regard to public road.

151. Where in any prosecution under this Ordinance it is alleged that an offence was committed on a public road in an urban area, such road shall be presumed to be a public road in an urban area until the contrary is proved.

Presumption in regard to public road in an urban area.

152. Where in any criminal proceedings arising out of an alleged contravention of this Ordinance, evidence in support of such contravention is given of any weight as ascertained by means of a weigh-bridge or other weighing instrument, such weight shall be deemed to be correct until the contrary is proved.

Presumption in regard to weight ascertained by means of a weigh-bridge or other weighing instrument.

153. Where in any prosecution under this Ordinance it is alleged that an offence was committed in relation to the gross vehicle weight of a motor vehicle, the weight so alleged shall, in the absence of evidence as contemplated in section 154, be presumed to be the gross vehicle weight of such vehicle until the contrary is proved.

Presumption in regard to gross vehicle weight of motor vehicle.

154. Any document purporting to have been issued by a manufacturer and stating the gross vehicle weight of any particular model of motor vehicle manufactured by him, shall be *prima facie* evidence as to the gross vehicle weight of such model.

Proof of gross vehicle weight of motor vehicle.

155. (1) Where in any prosecution under this Ordinance it is material to prove who was the driver of a vehicle, it shall be presumed until the contrary is proved that such vehicle was driven by the owner thereof.

Presumption that owner drove or parked vehicle.

(2) Whenever a vehicle is parked in contravention of any provision of this Ordinance, it shall be presumed until the contrary is proved that such vehicle was parked by the owner thereof.

156. In any prosecution under any of the provisions of this Ordinance, the fact that any person purports to act or has purported to act as a police officer, an inspector of licences, examiner of vehicles or examiner for drivers' licences, shall be *prima facie* evidence of his appointment and authority so to act: Provided that the provisions of this section shall not apply to a prosecution on a charge relating to personation.

Presumption in regard to officers.

157. A document purporting to be an extract from, or copy of, any entry contained in any register or record kept by a registering authority and purporting to be certified as such by such authority, shall in all courts and upon all occasions whatsoever be admissible as evidence and shall be *prima facie* evidence of the truth of the matters stated in such document without the production of any such register or record or any certificate, licence or other document upon which any entry may be founded.

Copy of entry in register or record of registering authority to be evidence.

CHAPTER XI.

ADDITIONAL POWERS AND DUTIES OF OFFICERS.

158. (1) In addition to the powers and duties referred to elsewhere in this Ordinance, an inspector of licences may —

Additional powers and duties of inspector of licences.

- (a) by notice in writing, direct the owner or person in charge of any vehicle, wherever found, which he considers not to be roadworthy, to produce such vehicle for inspection, examination or testing to the nearest available examiner of vehicles at a time and place to be specified in such notice;
- (b) in respect of any motor vehicle, demand from the owner thereof the production of any motor vehicle licence, clearance certificate, motor dealer's licence, motor dealer's clearance certificate, certificate of fitness or any like document where such like document was issued by a competent authority outside the Territory;
- (c) examine any motor vehicle in order to satisfy himself whether it is the motor vehicle in respect of which any document referred to in paragraph (b) was issued;
- (d) impound any document referred to in paragraph (b) and produced to him, which appears to be invalid or which has been unlawfully altered or defaced or which is being put to an unlawful use and, where any document is so impounded, he shall issue a receipt therefor to the person concerned;
- (e) require the driver or person in charge of any vehicle to furnish his name and address and give any other particulars required as to his identification;
- (f) demand from any person the production of any licence authorizing him to drive a motor vehicle and the production of any document, article or

other thing which such person is required to have in respect of any motor vehicle in terms of this Ordinance;

- (g) require any person in any vehicle to furnish his name and address and give any other particulars required as to his identification and to give such information as is in his power to give and which may lead to the identification of the driver or owner of such vehicle;
- (h) require any person to give him any information which it is in the power of such person to give and which may lead to the identification of the driver or owner of a vehicle at any time or during any period; or
- (i) at any time which is reasonable, having regard to the circumstances of the case, without previous notice and in the exercise of any power or the performance of any duty which in terms of this Ordinance he is authorized or required to exercise or perform, enter any premises on which he has reason to believe that any vehicle is kept.

(2) If an inspector of licences is not conspicuously wearing a token clearly indicating the nature of his office when exercising any authority conferred upon him in terms of sub-section (1), he shall, if so required by any person in charge of any vehicle or the owner or occupier of any premises in respect of which such authority is being exercised, produce a letter or other document of appointment bearing his photograph and signature.

159. (1) In addition to the powers and duties referred to elsewhere in this Ordinance, a police officer, when in uniform, may require the driver of any vehicle to stop such vehicle and a police officer in uniform or who, if not in uniform, produces a card identifying himself as a police officer, may exercise any of the powers conferred upon an inspector of licences in terms of section 158 (1) and may in addition —

Additional powers
and duties of
police officer.

- (a) inspect or test or cause to be inspected or tested by a person whom he considers competent to do so, the brakes or any other part of any vehicle, or the equipment thereof, with a view to ascertaining whether such vehicle or equipment complies with the provisions of this Ordinance: Provided that no such officer, unless he is also a qualified motor mechanic as defined in section 3 (2), shall, in the exercise of the authority hereby conferred upon him, dismantle any of the mechanism or working parts of any motor vehicle and, if he does so dismantle such vehicle, he shall reassemble the dismantled mechanism or parts, unless requested by the person in charge of the vehicle not to do so;
- (b) ascertain the dimensions of any vehicle or its load or the weight thereof with its load or the weight thereof unladen and, if necessary for that purpose, require the vehicle to proceed to a weigh-bridge and require any person or goods to be removed from such vehicle;
- (c) drive any vehicle when necessary in the execution of his duties if, in the case of any motor vehicle, he is duly licensed to drive a motor vehicle of the class concerned;
- (d) if any person, being the driver or apparently in charge of a vehicle, appears to such police officer, by reason of his physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of such vehicle, temporarily forbid such person to continue to drive or be in charge of such vehicle and make such arrangements for the safe disposal or placing of the vehicle as in his opinion may be necessary or desirable in the circumstances;

- (e) regulate and control traffic upon any public road and give such directions as may, in his opinion, be necessary for the safe and efficient regulation of such traffic;
- (f) if the weight of any vehicle and the load thereon is unlawful in terms of this Ordinance, prohibit the operation of such vehicle on a public road until such weight has been reduced or adjusted to comply with this Ordinance; and
- (g) require any person to furnish his name and address and give any other particulars required as to his identification where, in the opinion of such officer, such person may reasonably be suspected of having committed an offence under this Ordinance or is able to give evidence in regard to the commission or suspected commission of any such offence.

(2) For the purposes of sub-section (1), the Secretary for South West Africa may issue a card identifying any traffic officer appointed by the Administrator and any other authority having power to appoint a traffic officer may likewise issue any such card in respect of any traffic officer appointed by it.

160. (1) No person shall operate on a public road a vehicle which is not in a roadworthy condition.

Powers and duties of examiner of vehicles and certificates of road-worthiness.

(2) A vehicle shall be deemed not to be in a roadworthy condition unless, in addition to any other requirements, the requirements of this Ordinance relating to its construction have been complied with.

(3) (a) No person shall dispose of a motor vehicle referred to in section 8 (4) excluding the proviso thereto, to a person other than a motor vehicle dealer unless such motor vehicle is in a roadworthy condition and he has obtained a certificate to that effect: Provided that the provisions of this paragraph and paragraph (c) of this sub-section shall not apply in respect of a motor vehicle disposed of as scrap after the registration thereof has been cancelled in terms of section 20 or which is exempted from the provisions of this paragraph by proclamation of the Administrator or is exempted from registration and licensing in terms of section 6 or to a motor vehicle which has been stolen and in respect of which an insurance company has, in terms of an insurance policy, become the owner on its being recovered, or is disposed of by a messenger of the court in terms of section 38 (1), or in such other circumstances as the Administrator may prescribe.

(b) An application for a certificate of roadworthiness shall be made —

- (i) in the case of a motor vehicle dealer to the examiner of vehicles for the area where his business is situated; or
- (ii) in the case of a registered motor vehicle or a motor vehicle acquired outside the Territory to the examiner of vehicles for the area where the owner permanently resides or to the examiner of vehicles for the area in which the motor vehicle is to be registered by the new owner; and
- (iii) in all other cases to the examiner of vehicles for the area where the motor vehicle is to be registered.

(c) For the purposes of this Ordinance a person disposing of a motor vehicle referred to in section 8 (4) excluding the proviso thereto, shall continue to be regarded as the owner thereof until the certificate of roadworthiness in respect of such motor vehicle has been obtained in terms of this sub-section.

(4) The provisions of sub-section (3) shall not apply to the State.

(5) Any person who wants to obtain a certificate of roadworthiness for a motor vehicle, shall have such motor vehicle inspected by an examiner of vehicles.

(6) (a) In respect of each such inspection the owner of the motor vehicle shall pay the appropriate fee, prescribed in Part II of Schedule 2: Provided that if such motor vehicle has been found to be in an unroadworthy condition at the inspection, it may within one month after such inspection be produced for a second and a third inspection without payment of an additional inspection fee.

(b) Every applicant for a certificate of roadworthiness shall pay the fee mentioned in paragraph (a) to the registering authority in whose area the examination is carried out or to an examiner of vehicles in the employ of the State who has been appointed as a sub-receiver of revenue for the purpose of receiving such fees: Provided that where the examiner is in the employ of a local authority the fee shall be paid to such local authority and where such examiner is not in the employ of the State or a local authority the said fee shall be paid to such examiner direct.

(7) If, after an inspection, an examiner of vehicles is satisfied that a motor vehicle is in a roadworthy condition, he shall, upon payment of the appropriate fee prescribed in Part II of Schedule 2, issue a certificate of roadworthiness, in the prescribed form, in respect of such motor vehicle: Provided that where the examiner is in the employ of a local authority or where such examiner is not in the employ of the State a registering authority to which application is made shall supply such local authority or examiner upon payment of the fee prescribed in Part II of Schedule 2 to this Ordinance, with a number of blank certificates of roadworthiness for issue by any such examiner: Provided further that in the event of the termination of the appointment of any such examiner, such local authority or examiner no longer requires such blank certificates, the unused certificates shall be returned to the registering authority which supplied such certificates and upon the return of such blank certificates the registering authority concerned shall, upon application, refund to such local authority or examiner, as the case may be, the appropriate amount paid for such unused certificates.

(8) Any examiner of vehicles who wilfully or negligently issues a false certificate of roadworthiness shall be guilty of an offence.

(9) A certificate of roadworthiness issued in terms of this section shall be valid for a period of twenty-one days from the date of its issue.

(10) Any certificate issued by a competent authority in any prescribed territory and serving a similar purpose to that of a certificate of roadworthiness issued under this Chapter, shall, during the validity thereof, be deemed to be a certificate of roadworthiness.

(11) Any person feeling aggrieved by the refusal of an examiner of vehicles to issue to him a certificate of roadworthiness may, within twenty-one days after such refusal appeal to the Administrator in writing against such refusal, and the Administrator may exercise any such powers as the examiner may exercise, and where the Administrator upholds any such appeal he may do so on such conditions as he may think fit.

161. (1) If, in the opinion of any police officer or examiner of vehicles, any vehicle is not roadworthy, he may by notice on the prescribed form, served on the driver or owner of such vehicle, direct that such vehicle shall, subject to the provisions of sub-section (2), not be used on a public road.

Notice to discontinue use of vehicle.

(2) A notice referred to in sub-section (1) —

- (a) may contain conditions to the effect that the vehicle may continue to be used to reach any specified place or may continue to be used for a given time or under limitations as to speed or route or otherwise; and
- (b) shall, in the case of a motor vehicle, name the registering authority to which such vehicle shall be produced for examination by an examiner of vehicles and, in any other case, the police station at which the vehicle shall be produced for examination.

(3) Any police officer or examiner of vehicles who intends to serve a notice as contemplated in sub-section (1) may, in the case of a motor vehicle, remove the clearance certificate and, in the case of a public motor vehicle, in addition the certificate of fitness.

(4) A copy of the notice referred to in sub-section (1) shall be forwarded to the registering authority or police station named in such notice as contemplated in sub-section (2) (b), by the police officer or examiner of vehicles concerned and he shall, where applicable, attach to such notice any clearance certificate and certificate of fitness removed by him in terms of sub-section (3).

(5) Where any vehicle is produced to an examiner of vehicles or at a police station named in a notice referred to in sub-section (1), such examiner or the officer in charge of the police station shall determine whether, in his opinion, the vehicle is in a roadworthy condition and, if he is of the opinion that the vehicle is in a roadworthy condition, he shall cancel such notice and return to the person entitled thereto any clearance certificate or certificate of fitness referred to in sub-section (4).

(6) Any person who operates any vehicle on a public road contrary to the terms and conditions of any notice referred to in sub-section (1) and which has not been cancelled in terms of sub-section (5) or any person who cancels a notice contrary to the provisions of sub-section (5), shall be guilty of an offence.

162. (1) Subject to the provisions of sub-sections (2) and (3), any person who fails to comply, or who complies in a manner intended to deceive, with any instruction or direction given to him by an inspector of licences, a police officer or an examiner of vehicles in terms of section 158, 159 or 161 or obstructs, hinders or interferes with any such inspector, officer or examiner in the exercise of any power or the performance of any duty under this Ordinance, shall be guilty of an offence.

Failure to comply with instruction or direction of inspector of licences, police officer or examiner of vehicles.

(2) Whenever the production of any document which is not required to be carried on a vehicle is demanded in terms of section 158 (1) (b) or (f), the production thereof at any police station or office set aside by competent authority for use by a traffic officer within a period of twenty-one days of such demand shall be deemed to be sufficient compliance with that demand.

(3) Whenever any document is produced in terms of sub-section (2) at any police station or office referred to in that sub-section, the officer in charge of such police station or office so set aside shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgment of production of such document to the person producing it.

CHAPTER XII.

APPORTIONMENT OF FEES.

163. All fees received by a registering authority shall be paid into the Roads Fund as prescribed in terms of section 35 of the Roads Ordinance, 1962 (Ordinance 28 of 1962).

Fees received to be paid into Roads Fund.

164. If any person in the employ of a local authority is appointed as examiner for drivers' licences, all fees in respect of examinations referred to in items 5, 7 and 9 of Part II of Schedule 2 to this Ordinance received by the registering authority for the area in which such local authority is situate, shall be paid over to the local authority concerned.

Fees payable to local authority.

CHAPTER XIII.

REGULATIONS.

165. (1) The Administrator may make regulations, not inconsistent with the provisions of this Ordinance, in respect of any matter contemplated, required or permitted to be prescribed under this Ordinance and generally as to the use of any vehicle on a public road, its construction and equipment, and the conditions under which it may be so used, and in any other respect for the better carrying out of the provisions or objects of this Ordinance, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:

Power of Administrator to make regulations.

- (a) The safety of traffic on a public road, including the restriction of the use of any such road or part thereof by such traffic and the duties of the users of any such road;
- (b) the identification of vehicles and, in relation to a motor vehicle, the size, shape, colour and character of the registration mark to be displayed under this Ordinance and the means to be adopted to render any such mark easily distinguishable, whether by night or by day, when any such vehicle is operated on a public road;
- (c) the width, height and length of, the diameter of the wheels of, and the width, nature and condition of the tyres of any vehicle when operated on a public road;
- (d) the maximum weight, laden or unladen, of any vehicle, the height and width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the projection or overhang of any load in any direction and the maximum weight to be transmitted to the road or any specified area thereof by any vehicle or by any part of such vehicle in contact with the road, when any vehicle referred to in this paragraph is operated on a public road;
- (e) the emission of exhaust gas, smoke, fuel, oil, visible vapour, sparks, ashes or grit from any vehicle operated on a public road;

- (f) excessive noise owing to the design or condition of any vehicle or the loading thereof, or to the design, condition or misuse of a silencer, or of a hooter, bell or other warning device, when any such vehicle is operated on a public road;
- (g) the particulars to be marked on any vehicle;
- (h) the towing or drawing of any vehicle by another vehicle on a public road;
- (i) the conditions under which any motor vehicle may be operated on a public road when fitted with steering apparatus on the left side;
- (j) the number, nature and kind of lamps, including reflectors, to be carried by any vehicle operated on a public road, the position in which they shall be carried, the manner, conditions and times of their use and the use of any lamp or lighting device which may endanger public safety and, for the purpose of this paragraph, a reflector may be defined as meaning a retro-reflector which bears a standardization mark as defined in section 1 of the Standards Act, 1962 (Act 33 of 1962), or which bears such other identification mark as may be prescribed;
- (k) the number and nature of brakes and for ensuring that brakes, silencers and steering gear shall be efficient and in proper working order, in respect of any vehicle operated on a public road;
- (l) generally regulating the use and control of any vehicle on a public road, its construction, equipment, width of track, dimensions, weight and use in respect of either chassis and body or chassis, body and load and the conditions under which it may be used;
- (m) in relation to a vehicle operated on a public road, the appliances to be fitted for signalling the approach thereof, for enabling the driver thereof to become aware of the approach of another vehicle from the rear, and for intimating any intended movement thereof and the use of any such appliances and for securing that they shall be efficient and kept in proper working order;
- (n) the protection of any public road, the weight, tyres and load of any vehicle in relation to any specified bridge or ferry, the time when and speed at which any vehicle of a specified weight may be allowed to cross any bridge or ferry, the furnishing of security by any person against damage to any public road by reason of heavy traffic and making good the cost of repairing such damage;
- (o) the stopping and parking of vehicles on public roads;
- (p) the furnishing of accident reports and statistics of any nature whatsoever;
- (q) the determination of the number of passengers a public motor vehicle is adapted to carry and the number which may be carried, the general safety, comfort and convenience of passengers carried on or by a public motor vehicle and the conduct of the driver, conductor and passengers on such a vehicle;
- (r) the specifications for the examination of any vehicle;
- (s) any light which, in the opinion of the Administrator, is likely to interfere with the proper view of any road traffic sign or to be confused with any sign;
- (t) the method of determining any fact which is required for the purposes of this Ordinance;

- (u) any form or token which the Administrator may deem expedient for the purposes of this Ordinance and the nature and extent of any information to be furnished for the purpose of any such form;
- (v) the fees to be charged for any purpose under this Ordinance; and
- (w) the carriage of persons as passengers on any vehicle which has been constructed or designed solely or chiefly for the carriage of goods and not for the carriage of passengers and their effects.

(2) The power to make regulations for any purpose referred to in sub-section (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose either absolutely or conditionally.

(3) Any regulation under this section may be made to apply generally throughout the Territory or within any specified part thereof or to any specified class of vehicle or person and may from time to time be applied by the Administrator, by notice in the *Official Gazette*, to any part of the Territory or to any class or description of vehicle.

(4) Any regulation made under this section may provide penalties for any breach thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine of two hundred rand or imprisonment for a period of six months, or both such fine and imprisonment.

166. (1) Subject to the provisions of the Municipal Ordinance, 1963 (Ordinance 13 of 1963), and the provisions of the Village Management Boards, 1963 (Ordinance 14 of 1963), in respect of the procedure to be followed in the making, approving and promulgation of any regulation for the local authority concerned, regulations not inconsistent with the provisions of this Ordinance, may be made by or for any local authority in respect of any of the following matters:

Power of local authority to make regulations.

- (a) The safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;
- (b) the stopping and parking of any vehicle on any public road or portion thereof, including the installation, regulation, supervision, maintenance and control of parking meters and parking places referred to in section 106;
- (c) the appointment and licensing of parking attendants and the revocation of any such licence;
- (d) the appointment of temporary traffic guards or signallers under the control and for the assistance of any police officer for the purpose of controlling traffic on special or seasonal occasions;
- (e) the driver or conductor of or other person employed in connection with a vehicle plying for hire or accepting passengers for hire;
- (f) any public road which is not to be used by any vehicle, either generally or at specified times;
- (g) the relative position on a public road of traffic of differing speeds and classes;
- (h) the place and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (i) the loading and off-loading of any vehicle on a public road;
- (j) the rules as to priority of entry of public motor vehicles into a main thoroughfare;

- (k) the use of a hooter, bell, or other warning device and the conditions under which any such warning device may be used within any specified area, whether at all times or during specified periods;
- (l) the appointment of an advisory traffic control board consisting of not less than three members to advise the local authority on all questions of traffic control;
- (m) generally as to the use of any public road by traffic;
- (n) limiting the age of drivers of vehicles drawn by animals;
- (o) any form or token which a local authority may deem expedient for the purposes of any regulation and the nature and extent of any information to be furnished for the purpose of any such form;
- (p) the fees to be charged for any purpose contemplated under this section;
- (q) enabling any local authority in the event of any person failing to do anything required of him under any regulation, to do such act and to recover the expenses thereof from the person so in default; and
- (r) the weight of any goods which or the number of passengers who or animals which may be conveyed on a pedal cycle.

(2) The power to make regulations for any purpose referred to in sub-section (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose, either absolutely or conditionally.

(3) Any regulation referred to in sub-section (1) may be made to apply generally throughout the area of the local authority or within any specified part thereof or to any specified class of vehicle or person.

(4) In so far as any regulation of a local authority, whether made under this Ordinance or any other ordinance (including any regulation made under any other ordinance), may be inconsistent with any regulation, the latter shall prevail.

(5) Any regulation made under this section may provide penalties for any breach thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine of two hundred rand or imprisonment for six months, or both such fine and imprisonment.

CHAPTER XIV.

GENERAL.

167. Notwithstanding anything to the contrary contained in this Ordinance, a local authority may, in such circumstances and subject to such conditions as it may deem expedient, exempt any medical practitioner from the provisions of any law relating to the parking of a motor vehicle in force within its area of jurisdiction.

Circumstances in which medical practitioner may be exempted from provisions relating to parking.

168. If, for the purposes of this Ordinance, any doubt should arise as to the use to which any vehicle is put or the classification of any vehicle, such doubt shall be referred to the Administrator and his decision thereon shall be final.

Doubt concerning use or classification of motor vehicle.

169. (1) Notwithstanding anything to the contrary contained in this Ordinance, any motor vehicle which does not comply with the provisions of this Ordinance relating to the construction and equipment of motor vehicles,

Motor vehicle registered prior to commencement of Ordinance and not complying therewith.

but which was registered for the first time prior to the commencement of the Road Traffic Ordinance, 1961, shall be deemed to comply with the provisions of this Ordinance if it is maintained in accordance with the provisions of any ordinance and regulations in force immediately prior to the coming into operation of the Road Traffic Ordinance, 1961, and in any prosecution under this Ordinance the onus shall be on the accused to prove that it was so maintained: Provided that nothing hereinbefore contained shall apply to any motor vehicle which does not comply with the provisions of this Ordinance relating to direction indicators, stop lights, lamps and lights with which motor vehicles of the class to which such motor vehicle aforesaid belongs, are required to be equipped.

(2) For the purposes of sub-section (1), a registration mark displayed on a motor vehicle shall be deemed to be part of the equipment of such vehicle, if such registration mark was allotted to that vehicle prior to the coming into operation of the Road Traffic Ordinance, 1961.

170. The Administrator may, subject to such terms and conditions as he may impose, authorize in writing, either generally or specifically, the use on a public road of a vehicle which does not comply with the provisions of this Ordinance or the conveyance on a public road of passengers or any load which does not comply with the provisions of this Ordinance.

Circumstances in which vehicle and load not complying with the provisions of this Ordinance, may be exempted.

171. Notwithstanding anything to the contrary contained in this Ordinance, where an owner of a motor vehicle has been issued with a motor vehicle licence for that vehicle, it shall not be competent, in respect of the licensing year to which such licence is applicable, to prove that the tare of such vehicle is either greater or less than the tare upon which the fees payable for such licence were calculated: Provided that the provisions of this section shall not apply in respect of an owner of a motor vehicle who is prosecuted for and found guilty of a contravention of section 142 where such contravention relates to the tare referred to in this section.

Circumstances in which tare of motor vehicle deemed to be correct.

172. (1) Subject to the provisions of section 171, the Administrator may, if he is satisfied that any amount paid by a person was in excess of the amount properly chargeable under this Ordinance, authorize a refund of such amount or any part thereof to such person.

Administrator may authorize certain refunds.

(2) The Administrator shall not authorize any refund under this section unless the claim therefor is received by the registering authority concerned or the South West Africa Administration within three years after the date of the payment concerned.

173. A registering authority shall permit a police officer or inspector of licences, acting in the course of his duties, or any person authorized thereto by the Administrator, to inspect any register or record kept by it under this Ordinance and to make any extract therefrom and shall, upon payment of the appropriate fee provided for in Part II of Schedule 2 to this Ordinance, supply information from such register or record to any other person who, in the opinion of the registering authority, has reasonable grounds for seeking such information: Provided that any State department (including the South African Railways and Harbours Administration), any provincial administration of the Republic of South Africa or any local authority shall be exempt from the payment of any such fee.

Information from register or record of registering authority.

174. The Controller and Auditor-General may at any time cause an inspection to be made of the records of and the revenues collected by a registering authority under this Ordinance.

Registering authority subject to inspection by Controller and Auditor-General.

175. (1) The Administrator may authorize any person to carry out any inspection which the Administrator deems necessary for the purpose of ensuring that the provisions of this Ordinance are being complied with.

Inspections for ensuring that provisions of Ordinance are being given effect to.

(2) Any person who obstructs or hinders any person in the carrying out of any inspection referred to in sub-section (1) shall be guilty of an offence.

176. The Administrator may, in such circumstances as he may deem expedient, authorize a registering authority to use, in substitution for a form prescribed for a particular purpose, a form which varies from such prescribed form and, in respect of such registering authority, such varied form shall be deemed to be the prescribed form for that purpose.

Variation of prescribed form.

177. (1) Where a registering authority is satisfied that any certificate, licence or other document or token issued by it in terms of this Ordinance has been lost, destroyed or defaced or the figures or particulars thereon have become illegible, such registering authority shall, upon completion of the prescribed form and upon payment of the appropriate fee provided for in Part II of Schedule 2 to this Ordinance, issue a duplicate of any such document or token to the person to whom the original was issued with the word "DUPLICATE" written thereon and the duplicate so issued shall have the same effect as the original document or token: Provided that in the case of a learner's or driver's licence or a public driving permit, the person applying for any such duplicate shall furnish two photographs of himself complying with the provisions of section 62 (3) (b) and the registering authority shall attach one copy of such photograph to such duplicate and retain the other for record purposes.

Duplicate of document or token.

(2) If, after the issue of any duplicate in terms of sub-section (1), the original document or token is found, the person to whom it was issued shall take all reasonable steps to obtain possession thereof and to return it without delay to the registering authority which issued the duplicate concerned.

(3) Any person who contravenes or fails to comply with the provisions of sub-section (2) shall be guilty of an offence.

178. Any person who is unable to sign his name shall, whenever his signature is required upon any document in terms of this Ordinance, impress in place thereof his right thumb print upon the space within which he would otherwise have been required to sign his name and, if his right thumbprint is not available, he shall substitute therefor another of his fingerprints and in such latter event the document so marked shall then be endorsed by the officer concerned identifying the finger used.

Signature on documents.

179. (1) Whenever in terms of this Ordinance any notice is authorized or required to be served upon or given to any person, such notice shall either be served personally upon the person to whom it is addressed or be sent to him by registered post to his last known address.

Service of notices.

(2) Service by registered post in terms of sub-section (1) shall be deemed to have been effected on the seventh day after the date stamped upon the receipt for registration issued by the post office which accepted the notice.

(3) A certificate by the officer who gave the notice referred to in sub-section (1), or by a person subordinate to such officer, stating the time, place and manner of the giving of such notice, shall be evidence that such notice was duly given unless and until the contrary is proved.

180. This Ordinance shall bind the State and any person in the service of the State: Provided that the Administrator may, by notice in the *Official Gazette*, exempt the State or any department thereof or any such person from any provision of this Ordinance, subject to such conditions as the Administrator may determine.

State bound by
this Ordinance.

181. (1) Subject to the provisions of sub-sections (2) and (3), the laws specified in Schedule 3 to this Ordinance are hereby repealed to the extent set out in the third column of that Schedule.

Repeal of laws.

(2) Any proclamation, regulation, notice, order, prohibition, authority, permission, information or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by sub-section (1) shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been issued, made, promulgated, given, granted or taken under the corresponding provisions of this Ordinance.

(3) Any person appointed under the provisions of a repealed ordinance to perform duties which are similar to those duties which would be required of a person appointed to an office under this Ordinance, shall, whether or not he holds the qualifications in terms of this Ordinance for such office, be deemed to have been appointed to such office in terms of this Ordinance.

182. This Ordinance shall be called the Road Traffic Ordinance, 1967, and shall come into operation on the first day of July, 1967.

Short title and
date of
commencement.

SCHEDULE 1.

MOTOR VEHICLES EXEMPTED FROM REGISTRATION AND LICENSING OR FROM LICENSING ONLY.

PART I.

MOTOR VEHICLES EXEMPTED FROM REGISTRATION AND LICENSING.

1. (a) Motor vehicles incorporating roadmaking, earth-moving, excavation, construction, waterboring or loading machinery.
- (b) Motor vehicles propelled by electrical power derived from overhead wires.
- (c) Motor vehicles having crawler tracks.
2. (a) A motor vehicle (other than a tractor, truck-tractor or self-propelled caravan) not designed principally for the conveyance on a public road of persons or goods, or both, if such vehicle is not operated on a public road: Provided that for the purposes of this item the expression "operated on a public road" shall not be construed as including the presence of such vehicle on a public road for the purpose of —
 - (i) being driven to premises of the owner of such vehicle for the purpose of taking delivery thereof;
 - (ii) crossing a public road from one premises to another of the owner of such vehicle; or
 - (iii) proceeding to and from any place where any repairs are to be or have been effected to such vehicle.
- (b) Where any motor vehicle, exempted in terms of paragraph (a), is operated on a public road, the owner thereof shall, as from the date it is so operated, be liable in respect of the registration and licensing thereof: Provided that the provisions of this paragraph shall only apply to a person who is the owner for the time being of the motor vehicle concerned and any such owner shall only be so liable until such licence and clearance certificate are surrendered for cancellation to the registering authority which issued the licence: Provided further that if such licence is surrendered after the owner thereof has become liable for the renewal thereof in terms of section 10 and before the licence has actually been renewed, the provisions of section 23 shall apply *mutatis mutandis*.
3. Motor vehicles specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and used solely by such persons.
4. A motor vehicle used solely by a *bona fide* farmer on private property in connection with farming operations: Provided that such motor vehicle shall not be used on any public road.
5. Any other class of motor vehicle exempted by proclamation of the Administrator from registration and licensing.
6. Any motor vehicle which because of size or weight may not be used on a public road and is in fact not so used.

PART II.

MOTOR VEHICLES EXEMPTED FROM LICENCE FEES.

1. Motor vehicles owned by any department of state of the Republic of South Africa, any provincial administration of the Republic, the Administration of the Territory of South West Africa, the South African Railways and Harbours Administration or any local authority.
2. Motor vehicles owned by duly accredited trade and assistant trade commissioners, consuls and vice-consuls of any state, who are not South African citizens and who, outside their official duties, carry on no occupation for gain in the Territory.
3. Motor vehicles owned by such person or body of persons as the Administrator may prescribe to be exempt with effect from any date on or after the coming into operation of this Ordinance and subject to such conditions as he may prescribe.
4. Any ambulance.
5. Any tractor or trailer other than a semi-trailer of an articulated motor vehicle and owned by a *bona fide* farmer and used solely in connection with his farming activities.
6. Any motor vehicle owned by any person who has been specially exempted by the Administrator and has received a certificate to that effect under the hand of the Secretary for South West Africa.
7. Where any motor vehicle which was exempted in terms of any of the foregoing items, is operated on a public road contrary to the provisions of any such item, or if the exemption is withdrawn, the owner thereof shall, as from the date it is so operated or such exemption is withdrawn, become liable for payment of the appropriate licence fee prescribed in Part I of Schedule 2 to this Ordinance and the amount due shall be paid to the registering authority where such vehicle is registered and licensed within twenty-one days from the date on which liability for payment of such fee arises: Provided that if liability arises after the thirty-first day of January in any year, the owner shall be entitled to the benefit provided in the proviso to section 8 (2) (b).

SCHEDULE 2.

PART I.

MOTOR VEHICLE ANNUAL LICENCE FEES.

1. Motor cycle with an engine capacity of less than 50 c.c. R 2-40
2. Other motor cycles, solo R 4-80
3. Motor cycle with side-car or similar attachment or motor tricycle R 6-00
4. *Other motor vehicles.*

<i>Weight in pounds</i>	<i>Amount</i>
Up to 1,000	R 13-20
1,001— 1,500	R 14-40
1,501— 2,000	R 15-60
2,001— 2,500	R 16-80
2,501— 3,000	R 18-00
3,001— 3,500	R 19-20
3,501— 4,000	R 20-40
4,001— 5,000	R 24-00
5,001— 6,000	R 28-80
6,001— 7,000	R 33-60
7,001— 8,000	R 38-40
8,001— 9,000	R 43-20
9,001—10,000	R 48-00
10,001—11,000	R 53-40
11,001—12,000	R 58-80
Exceeding 12,000	R 64-80

Provided that in respect of a motor vehicle (other than a tractor, truck-tractor or self-propelled caravan) not designed principally for the conveyance on a public road of persons or goods, or both, or a motor vehicle designed or adapted for salvaging other motor vehicles and commonly known as a "break-down vehicle", the licence fee shall not exceed eighteen rand: Provided further that in respect of a caravan which is not self-propelled, the licence fee shall not exceed six rand.

5. *Motor vehicle dealer's licence fees.*
 - (a) Motor vehicle dealer's licence and one clearance certificate in respect of a motor vehicle not being a motor cycle or motor tricycle R 50-00
For every additional clearance certificate R 16-00
 - (b) Motor vehicle dealer's licence and one clearance certificate in respect of a motor cycle or motor tricycle R 10-00
For every additional clearance certificate R 10-00

PART II.

MISCELLANEOUS FEES.

1. Certificate of temporary exemption (section 12 (1)):
 - (a) Motor cycles and motor tricycles R 0-50
 - (b) Other motor vehicles R 1-00
2. Temporary permit (section 14 (1)) R 1-00
3. Special permit (section 15 (2)) R 0-50
4. Transfer of motor vehicle licences (sections 27 (3) and 28 (2)):
 - (a) to motor cycles and motor tricycles R 0-50
 - (b) to other motor vehicles R 1-00
5. Examination for provisional certificate of competence (section 62 (3) (a)) R 0-50
6. Learner's licence (section 63 (2) (b)):
 - (a) for motor cycles with engine with cylinder capacity not exceeding 50 c.c. R 0-50
 - (b) for other motor vehicles R 1-00
7. Examination for certificate of competence (section 64 (1)):
 - (a) for motor cycles, motor tricycles and tractors R 1-00
 - (b) for other motor vehicles R 2-00
8. Driver's licence (section 65 (1) (c)):
 - (a) for motor cycles with engine with cylinder capacity not exceeding 50 c.c. R 1-00
 - (b) for other motor cycles, motor tricycles and tractors R 2-00
 - (c) for other motor vehicles R 2-00
9. Examination for instructor's certificate (section 73 (4)) R 2-00
10. Instructor's certificate (section 73 (5)) R 6-00
11. Examination for certificate of fitness (section 80 (2)) R 2-00
12. Certificate of fitness (section 80 (1)) R 2-00
13. Public driving permit (section 89 (2) (a)) R 2-00
14. Examination for certificate of roadworthiness (section 160):
 - (a) for motor cycles and motor tricycles R 1-00
 - (b) for other motor vehicles R 2-00
15. Certificate of roadworthiness (section 160) R 0-50
16. Supply of information from register or record (section 174) R 0-50
17. Duplicate document or token (section 177 (1)) R 0-50

SCHEDULE 3.

LAWS REPEALED (SECTION 181).

Number and year of law.	Short title.	Extent of repeal.
Ordinance 21 of 1961	Road Traffic Ordinance 1961	The whole
Ordinance 14 of 1962	Road Traffic Amendment Ordinance, 1962	The whole
Ordinance 19 of 1963	Road Traffic Amendment Ordinance, 1963	The whole
Ordinance 38 of 1965	Road Traffic Amendment Ordinance, 1965	The whole
Ordinance 23 of 1966	Road Traffic Amendment Ordinance, 1966	The whole