



GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 215 1996

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 18 of 1996: Cross-Border Road Transportation Act, 1996.

**CROSS-BORDER ROAD TRANSPORTATION
ACT, 1996****ACT**

To make provision for the regulation of road transportation between Namibia and other countries with which Namibia has concluded cross-border road transportation agreements, and to provide for matters incidental thereto.

(Signed by the President on 26 July 1996)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows: -

Definitions

1. In this Act, unless the context otherwise indicates -

"cross-border road transportation agreement" means an agreement entered into between Namibia and the government of another country whereby arrangements are made for the control and regulation of road transportation between Namibia and that country;

"cross-border road transportation" means the conveyance of passengers or carriage of goods by road for reward or by means of a hired motor vehicle or in the course of an industry, trade, or business between Namibia and another country or through Namibia or such country to or from a third country;

"Minister" means the Minister of Works, Transport and Communication;

"Namibian carrier" means a person -

- (a) who is a Namibian citizen or a permanent resident of Namibia or a partnership established or a company or corporation registered in Namibia;
- (b) who is registered as a tax-payer with the Ministry of Finance in Namibia;
- (c) whose vehicles are registered in Namibia in terms of the law governing the registration of motor vehicles; and
- (d) who actively carries on an industry, trade or business from a place situated within Namibia;

"permit" means a permit authorizing cross-border road transportation issued under a cross-border road transportation agreement -

- (a) in the case of a Namibian carrier, by a competent authority in Namibia in the manner prescribed in the regulations; or
- (b) in the case of a carrier other than a Namibian carrier, by a competent authority of the country with which Namibia has concluded such cross-border road transportation agreement;

"regulations" means the regulations made under section 5.

**CROSS-BORDER ROAD, TRANSPORTATION
ACT, 1996****Publication of cross-border road transportation agreements**

2. The President shall publish by proclamation in the *Gazette* any cross-border road transportation agreement entered into between Namibia and any other country, and shall likewise publish any amendments thereto and give notice of the termination thereof.

Prohibition of cross-border road transportation where a permit is required, except in certain circumstances

3. (1) Notwithstanding any other law, no person shall undertake any road transportation between Namibia and any other country for which a permit is required in terms of any cross-border road transportation agreement published under section 2, unless -

- (a) such person is the holder of such a permit; and
- (b) such road transportation is undertaken in accordance with the provisions of such agreement and the regulations and any conditions which may be imposed in such permit.

(2) Any person who undertakes any cross-border road transportation in contravention of paragraph (a) of subsection (1), or who fails to comply with any of the provisions of paragraph (b) of that subsection, shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Application of Road Transportation Act, 1977

4. No provision of the Road Transportation Act, 1977 (Act 74 of 1977) shall apply with respect to any cross-border road transportation to which the provisions of this Act and a cross-border road transportation agreement apply.

Regulations

5. (1) For carrying out or for giving effect to the provisions of any agreement contemplated in section 2, the Minister may make regulations relating to -

- (a) the designation of a competent authority to be charged with the function of receiving, considering and deciding on applications for permits, and the powers, duties and functions of that authority;
- (b) the form and procedure for applications for permits and the particulars to be furnished in connection with any such application;
- (c) the matters to be taken into consideration by the competent authority in considering an application for a permit;
- (d) the form of any permit or any other document to be used or issued for the purposes of such agreement;
- (e) the obligations to be complied with by holders of permits and their agents or employees, including obligations in relation to vehicles used

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**CROSS-BORDER ROAD TRANSPORTATION
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or to be used for cross-border road transportation and the records to be kept by such permit holders;

- (f) the fees payable in respect of any application, permit, matter, or document;
- (g) the steps that may be taken against holders of permits and their agents or employees on their failure to comply with any regulation;
- (h) the periods of validity of permits and the transfer, suspension, withdrawal and replacement of any such permit;
- (i) the designation of authorized officers and the powers, duties and functions of such officers; and
- (j) generally, for the better achievement of the objects and for the better administration of the provisions of any such agreement or any amendment thereof.

(2) A regulation may, for any contravention thereof or failure to comply therewith, prescribe a penalty which shall not exceed a fine of N\$8 000 or imprisonment for a period of two years or both such fine and such imprisonment.

Short title and commencement

6. This Act shall be called the Cross-border Road Transportation Act, 1996 and shall come into operation on a date to be determined by the Minister by notice in the *Gazette*.
