



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 27 January 1998

No: 1781

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## Government Notices

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### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 7 1998

#### COMMENCEMENT OF THE ROAD TRAFFIC AMENDMENT ACT, 1997

Under section 3 of the Road Traffic Amendment Act, 1997 (Act No. 18 of 1997), I hereby determine that the Act shall come into operation on the date of publication of this notice.

**DR-ENG. K. DIERKS MP**  
**DEPUTY MINISTER OF WORKS,**  
**TRANSPORT AND COMMUNICATION**

Windhoek, 12 January 1998

**MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION**

No. 8

1998

**ROAD TRAFFIC ORDINANCE, 1967:  
EXTENSION OF VALIDITY OF LICENCES OF MOTOR VEHICLES:  
WINDHOEK REGISTERING AUTHORITY**

Under section 55C(1) of the Road Traffic Ordinance, 1967 (Ordinance No. 30 of 1967), I hereby extend the expiry date of the motor vehicle licences issued for the year 1997 by the Windhoek Registering Authority, which licences expired on 31 December 1997, to the respective dates specified in the Schedule.

**DR-ENG. K DIERKS MP  
DEPUTY MINISTER OF WORKS,  
TRANSPORT AND COMMUNICATION**

Windhoek, 12 January 1998

**SCHEDULE**

LAST DIGIT OF REGISTRATION NUMBER OF MOTOR VEHICLE	EXPIRY DATE OF MOTOR VEHICLE LICENCE EXTENDED TO
7 or 8	27 March 1998
9 or 0	30 April 1998
1 or 2	5 June 1998
3 or 4	10 July 1998
5 or 6	7 August 1998

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**General Notice**

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**MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION**

No. 17

1998

**PROPOSED AMENDMENT OF THE ROAD TRAFFIC REGULATIONS:  
TRANSPORTATION OF DANGEROUS GOODS BY ROAD**

The Ministry of Works, Transport and Communication needs to address the issue of the transportation of dangerous goods by road, to minimize the threat of injury to man, materials or the environment during the transportation of dangerous goods by road.

The Under Secretary for Transport invites all interested parties to comment on the proposed regulations on the transportation of dangerous goods by road as set out in the Schedule.

Comments or representations should be lodged in writing and should reach the Ministry not later than 45 days from the date of publication of this notice.

Correspondence should be addressed to:

The Under Secretary for Transport  
Ministry of Works, Transport and Communication  
Department of Transport  
Private Bag 12005  
Windhoek

Attention : Mr A J du Bruyn  
Telephone : 208 2063  
Fax : 245721

Upon expiry of the aforementioned 45 days period, all comments which have been received will be evaluated for possible incorporation into the proposed regulations.

#### SCHEDULE

### **ROAD TRAFFIC REGULATIONS, 1967 TRANSPORTATION OF DANGEROUS GOODS BY ROAD**

#### **Definitions**

1. For the purposes of these Regulations -

“approved”, means approved by the Minister;

“codes of practice” mean codes of practice -

- (a) SABS 1398 “Road tank vehicles for petroleum-based flammable liquids” published by the South African Government Notice No. R. 1851 of 1 December 1995;
- (b) SABS 1518 “Transportation of dangerous goods - design requirements for road tankers” published by the South African Government Notice No. R;
- (c) SABS 0228 “The identification and classification of dangerous substances and goods” published by the South African Government Notice No. R. 841 of 24 May 1996;
- (d) SABS 0229 “Packaging of dangerous goods for road and rail transportation in South Africa” published by the South African Government Notice No. R. 435 of 20 March 1997;

- (e) SABS 0230 "Transportation of dangerous goods - Inspection requirements for road vehicles" published by the South African Government Notice No. R. 3160 of 20 November 1992;
- (f) SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles" published by the South African Government Notice No. R. 718 of 30 May 1997;
- (g) SABS 0232-1 "Transportation of dangerous goods - Emergency information systems , Part 1 : Emergency information systems for road transportation" published by the South African Government Notice No. R. 841 of 24 May 1996; and
- (h) SABS 0233 "Intermediate bulk containers for dangerous substances" published by the South African Government Notice No. R. 1502 of 5 June 1992.

"competent authority" means the competent authorities determined by the Minister by notice in the Gazette;

"consignor" means the person who offers dangerous goods for transport in a vehicle referred to in regulation 5(1), and includes the manufacturer or his or her agent, duly appointed as such;

"consignee" means the person who accepts dangerous goods which have been transported in a vehicle referred to in regulation 5(1);

"dangerous goods inspector" means a person appointed as a traffic officer or a road transport inspector or a fire fighter and who has been trained to enforce these regulations;

"exempt quantities" means those quantities referred to in Annex C to code of practice SABS 0232-1 "Transportation of dangerous goods - Emergency information systems, Part 1 : Emergency information systems for road transportation" published by the South African Government Notice No. R. 841 of 24 May 1996.

"incident" means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage or risk thereof;

“premises” means land or any building or other structure and includes any motor vehicle, train, boat, ship, aircraft or other vehicle:

“qualified person” means a person trained to perform any specific task, nominated by the operator, consignor or consignee under regulation 5; and

“Tremcard” means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

### **Application**

2. (1) Subject to subregulation (2), these regulations apply to all vehicles registered in Namibia, wherever they may be, and to all vehicles other than those registered in Namibia, whenever they are within Namibia, in or on which dangerous goods are transported, and to such dangerous goods.

(2) These regulations do not apply to dangerous goods which are transported in quantities which do not exceed the exempt quantities.

### **Transportation of dangerous goods prohibited**

3. (1) No person shall transport or cause to be transported dangerous goods unless in terms of these regulations.

(2) Any person who transports or causes the transportation of dangerous goods in contravention of this Chapter, shall be guilty of an offence.

### **Exemptions**

4. The Permanent Secretary may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the Gazette, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of these regulations, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.

### **Duties of operator, driver, consignor and consignee**

5. (1) The duties of the operator, driver, consignor and consignee with regard to the transportation of dangerous goods by road shall be as prescribed in the codes of practice.

(2) The operator, consignor or consignee shall nominate a qualified person to perform such tasks with respect to the transportation of dangerous goods as are prescribed to be so performed in the codes of practice.

(3) Subject to the provisions of subregulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.

#### **Authority for the classification of dangerous goods**

6. If there is any doubt as to the appropriate classification of dangerous goods, such dangerous goods shall be classified by an approved authority.

#### **Driver to undergo training**

7. (1) For the purposes of this regulation the word "driver" means any person who drives or attempts to drive a vehicle the gross vehicle mass of which exceeds 3 500 kilograms or a vehicle to which code of practice SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" published by the South African Government Notice No. R. 1851 of 1 December 1995 or code of practice SABS 1518 "Transportation of dangerous goods - design requirements for road tankers" published by the South African Government Notice No. R.. applies.

(2) Operators shall ensure that the drivers of the vehicles in his or her charge referred to in regulation 5(1), shall undergo training every twelve months at an approved institution.

(3) Each approved institution shall submit a syllabus for the training of the drivers referred to in subregulation (1) to the Minister for approval, thirty days before training commences at those institutions for a particular year.

(4) The syllabus for the training of drivers shall contain at least -

- (a) the interpretation and implementation of the instructions on the Tremcard;
- (b) theoretical and practical training relevant to the type of vehicle and class of dangerous goods to be assigned to the driver concerned;
- (c) practical training on the emergency action to be taken for the various incidents which may occur with regard to the dangerous goods concerned;
- (d) duties of the driver before proceeding on a route concerning, *inter alia*, the condition of the vehicle, the documents to be kept in the vehicle, instructions regarding the route to be taken, warning signs and warning devices to be displayed or stored in the vehicle, the correct

- type and number of fire extinguishers to be fitted to the vehicle, protective clothing to be used;
- (e) behaviour expected of the driver on the route, *inter alia*, planning of stops for deliveries or checking of the tyres and vehicle, and procedure to be followed in the event of stops, periods of driving allowed, action to be taken in the event of an incident occurring; and
  - (f) procedure to be followed by the driver on reaching his or her destination.
- (5) An institution referred to in subregulation (1) shall issue drivers with a certificate after successful completion of training.

#### **Documents to be held by driver**

8. (1) The driver of a vehicle referred to in regulation 5(1) shall ensure that such trencards and manifests as are required in terms of the SABS codes of practice, and which pertain to the dangerous goods carried on such vehicle be held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.

(2) The driver of a vehicle referred to in regulation 5(1) shall produce on demand -

- (a) a valid medical certificate prescribed in the SABS codes of practice;
- (b) a professional driving permit, if applicable;
- (c) the certificate issued under regulation 7(2), if applicable;
- (d) a document containing a clear indication of the route to be followed by the vehicle, planned in accordance with code of practice SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles" published by the South African Government Notice No. R. 718 of 30 May 1997;
- (e) the documents referred to in subregulation (1), whenever he or she is operating a vehicle referred to in regulation 5(1).

#### **Dangerous goods inspectors**

9. (1) The Minister may appoint any traffic officer, police officer, road transport inspector or fire fighter as a dangerous goods inspector, if such officer, inspector or fire fighter has been, to the satisfaction of the Minister, sufficiently trained to inspect any vehicle carrying dangerous goods in relation to the codes of practice.

(2) A certificate of appointment shall be issued to a dangerous goods inspector on his or her appointment under the Act which shall reflect the designation, the conditions under, the classes of dangerous goods in respect of which he or she has been appointed, and, with reference to any provision of regulation 10, the powers to be exercised by him or her.

### **Powers, duties and functions of dangerous goods inspectors**

**10.** (1) A dangerous goods inspector may stop and enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of this Act -

- (a) inspect or search the vehicle or premises referred to in subregulation (1), or examine, or extract, take and remove samples of, or direct an approved authority to examine, extract or remove, any substance referred to in subregulation (1), found in or upon such premises, or any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used, or destined or intended for use, for, in or in connection with the transport of dangerous goods, or for, or in connection with any other operation or activity with or in connection with the transport of dangerous goods, or open or direct an approved authority to open any packages, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such dangerous goods;
- (b) detain a vehicle which is on reasonable grounds suspected of contravening these regulations, for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation;
- (c) demand from the driver, operator or any person in charge of the vehicle or premises referred to in subregulation (1), to produce any document prescribed under these regulations;
- (d) demand any information regarding any substance referred to in subregulation (1) or packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises referred to in subregulation (1);
- (e) weigh, count, measure, mark or seal, or direct an approved authority



to weigh, count, measure, mark or seal, any substance referred to in subregulation (1) or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects or lock, secure, seal or close any door or opening giving access to it;

- (f) examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises referred to in subregulation (1) and which refers or is suspected to refer to the substance referred to in subregulation (1), packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects;
- (g) demand from the operator or any person in charge of the vehicle or premises referred to in subregulation (1) or from any person in whose possession or charge such book, statement or document referred to in paragraph (f), an explanation of any entry therein;
- (h) inspect any operation or process carried out in or upon the vehicle or premises referred to in subregulation (1) in connection with any activity referred to in paragraph (a);
- (i) demand any information regarding the operation or process referred to in paragraph (h) from the operator or person in charge of the vehicle or premises referred to in subregulation (1) or from any person carrying out or in charge of the carrying out of such operation or process;
- (j) seize any substance, book, statement or document or other packagings<sup>4</sup>, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of these Regulations.

(2) If a dangerous goods inspector intends to exercise or perform any power, duty or function under these regulations in the presence of any persons affected thereby, he or she shall on demand exhibit the appointment certificate issued to him or her under regulation 9(2).

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