



GOVERNMENT GAZETTE

OF THE

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Government Notice

MINISTRY OF WORKS AND TRANSPORT

No. 112

2022

ROAD TRANSPORTATION REGULATIONS: ROAD TRANSPORTATION ACT, 1977

Under section 30 of the Road Transportation Act, 1977 (Act No. 74 of 1977), I -

- (a) have made the Regulations set out in the Schedule; and
- (b) repealed the Road Transportation Regulations published under Government Notice No. R2653 of 30 December 1977.

J. MUTORWA
MINISTER OF WORKS AND TRANSPORT

Windhoek, 28 February 2022

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Definitions

1. In these regulations, a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context indicates otherwise -

“Executive Director” means the Executive Director of the Ministry;

“the Act” means the Road Transportation Act, 1977 (Act No. 74 of 1977);

“Minister” means the Minister responsible for works and transport; and

“Ministry” means the Ministry of Works and Transport.

Manner in which certain forms of exempted road transportation may be undertaken

2. (1) When -
- (a) a hotel conveys its own guests and their personal effects in accordance with section 1(2)(j) of the Act;
 - (b) any person conveys goods within the boundaries of an exempted area in accordance with section 1(2)(w) of the Act;
 - (c) a carrier conveys goods in accordance with section 1(2)(x) of the Act; or
 - (d) any person carrying on any industry or trade or business conveys his or her own goods in accordance with section 1(2)(y) of the Act,

the following identifying particulars must be painted or displayed in the manner approved by the commission on both sides of the motor vehicle, or where this is not practically feasible on another conspicuous place on the motor vehicle used and must be in a colour that shows up clearly against the background on which they are painted or displayed -

- (i) the full registered name or style of such hotel or the name of such person, carrier or person carrying on such industry, trade or business;
- (ii) the full business address (not postal address) of such hotel or of such person, carrier or person carrying on such industry, trade or business; and
- (iii) in the case of the industry, carrier or person referred to in paragraphs (c) and (d), the nature of the business.

(2) The minimum dimensions of all letters and figures used in the inscription of the particulars provided for in subregulation (1) and the spaces between such letters and figures must be as follows -

- (a) height of figures and letters - 40 mm.;
- (b) width of figures and letters - 20 mm.;
- (c) breadth of stroke of figures and letters - 5 mm.;
- (d) space between consecutive figures or letters - 5 mm.; and
- (e) space between words on the same line - 15 mm.

(3) If the goods vehicle in use is replaced, the commission must, before the replacement vehicle is put into service, be furnished with a copy or photocopy, certified by a Commissioner of Oaths as being a true copy, of the registration certificate of the replacement vehicle.

(4) A carrier wishing to convey goods in terms of section 1(2)(x) of the Act, must undertake such conveyance only if it is done in the following manner exclusively within an area with a radius of 40 kilometres from such carrier's place of business -

- (a) from any place situated within a radius of 40 kilometres from the carrier's place of business where the goods are offered for conveyance for delivery to the final destination of the goods, if such final destination is also situated within a radius of 40 kilometres from the carrier's place of business; or
- (b) from any place situated within a radius of 40 kilometres from the carrier's place of business where the goods are offered for conveyance, direct to the nearest or most suitable railway station which is also situated within a radius of 40 kilometres from the carrier's place of business, if the final destination of the goods is situated outside a radius of 40 kilometres from the carrier's place of business.

PART 2 PUBLIC OR PRIVATE PERMITS

Application for public or private permit

3. (1) An application for the grant or for the renewal of a public or private permit must be lodged with the board on Form A set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear answer for each question relating to the application.

(2) Subject to the provisions of section 14 of the Act, the board must before considering an application for the grant, amendment, renewal or transfer of a public permit, publish the following particulars of such application in the *Gazette* -

- (a) the name of the applicant;
- (b) the place where the applicant intends to conduct his or her or its business;
- (c) the nature of the application;
- (d) the number and type of vehicles involved in the application; and
- (e) the nature of the proposed road transport.

(3) Subject to the provisions of section 13 or 18 of the Act, an application for the grant or renewal of the public or private permit may not be considered by the board unless and until the applicant has fully complied with the requirements of subregulation (1).

(4) On the grant of an application for a public or private permit, the fee outlined in Table B of Annexure 2 must be paid by the applicant for to the issue of the public or private permit.

(5) A public or private permit granted, renewed, amended or transferred by the board in terms of the provisions of the Act must be issued on the form determined by the board, together with the distinguishing mark similarly prescribed.

(6) The board may require that -

(a) a private permit that has lapsed in terms of section 29(2)(a) of the Act be lodged with it by hand, by courier or by registered post not later than 10 days from the date of its lapsing; or

(b) if the authority conferred by a private permit in regard to the place or places where the industry, trade or business may be carried on has lapsed in terms section 29(2)(b) of the Act, such permit must be produced to it, not later than 10 days from the date of lapse of such authority, by hand, by courier or by registered post for amendment.

Application for replacement of motor vehicle

4. (1) An application for the replacement of a motor vehicle is lodged in the instance where there is an increase or decrease in the sitting capacity of the passenger seats in the vehicle applied for on the existing public or private permit.

(2) An application for the replacement of a motor vehicle must be lodged with the board on Form A set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear answer for each question relating to the application.

(3) If an application for the replacement of the motor vehicle is for the sitting capacity of the passenger seats that increases or decreases with more than 20%, then such an application must be published in the *Gazette*.

(4) An application for the replacement of a motor vehicle may not be considered by the board unless and until the applicant has fully complied with the requirements of subregulations (2) and (3).

(5) If an application for the replacement of a motor vehicle is granted, the board must issue a new reference number on the existing public or private permit and the applicant must pay the fee set out in Table B of Annexure 2 for the issue of the replaced public or private permit.

Application for transfer of public or private permit

5. (1) An application for the transfer of a public or private permit is lodged when a new permit holder takes over the existing public or private permit, subject to any reasonable grounds that the board considers necessary.

(2) An application for the transfer of a public or private permit must be lodged with the board on Form B set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear answer for each question relating to the application.

(3) Subject to section 13 or 18 of the Act, an application for the transfer of a public or private permit may not be considered by the board unless and until the applicant has fully complied with the requirements of subregulations (1) and (2).

- (4) If an application for the transfer of a public or private permit is granted -
- (a) the board must issue a new public or private permit;
 - (b) the applicant must, return the replaced permit by hand, by courier or by registered post to the board before the new public or private permit is issued; and
 - (c) the applicant must pay the fee set out in Table B of Annexure 2 for the issue of a new public or private permit.

Application for amendment of public or private permit

6. (1) An application for the amendment of a public or private permit is lodged when the applicant changes the route on the public or private permit.

(2) An application for the amendment of a public or private permit must be lodged with the board on Form A set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear answer for each question relating to the application.

(3) Subject to the provisions of section 13 or 18 of the Act, an application for the amendment of a public or private permit may not be considered by the board unless and until the applicant has fully complied with the requirements of subregulation (2).

- (4) If an application for the amendment of public permit is granted -
- (a) the board must issue a new public or private permit;
 - (b) the applicant must return the replaced permit by hand, by courier or by registered post to the board before the new public or private permit is issued; and
 - (c) the applicant must pay the fee set out in Table B of Annexure 2 for the issue of a new public or private permit.

Application for additional authority

7. (1) An application for an additional authority is lodged when the applicant adds another route on the public or private permit.

(2) An application for the addition of another route to the public or private permit must be lodged with the board on Form A set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear answer for each question relating to the application.

(3) Subject to section 13 or 18 of the Act, an application for an additional authority to a public or private permit may not be considered by the board unless and until the applicant has fully complied with the requirements of subregulation (2).

- (4) If an application for the additional authority is granted -
 - (a) the board must issue a new public or private permit;
 - (b) the applicant must return the replaced permit by hand, by courier or by registered post to the board before the new public or private permit is issued; and
 - (c) the applicant must pay the fee set out in Table B of Annexure 2 for the issue of a new public or private permit.

Representations concerning public permits

8. (1) When -
 - (a) an interested party wishes to make representations in terms of section 14(2) of the Act; or
 - (b) a local authority council wishes to make representations in terms of section 14(3) of the Act,

such representations or information must be in writing, and must be delivered by hand, by registered post or electronically mailed to the board, not later than 21 days after the date on which the details of the application is published in the *Gazette* under section 14(1) of the Act.

(2) Representations made in terms of section 14(2) must either be delivered by hand, by registered post in 4 copies or electronically mailed, in the case of an application published by the board.

(3) A local authority wishing to make representations in terms of section 25(2)(c) of the Act must, not later than 21 days after being requested thereto by the board concerned, deliver such representations, in writing by hand, by registered post or electronically mail such representations to the board concerned.

Representations concerning private permits

9. Any interested party may at any time prior to the consideration by the board of an application for or pertaining to a private permit -

- (a) in terms of section 18(2)(a) of the Act, inspect and copy the relevant application form and any other document lodged; and
- (b) in terms of section 18(2)(b) of the Act, lodge with the board concerned by hand, by registered post or by electrical mail, written representations objecting to or in support of such application.

Certificate of fitness

10. (1) A certificate of fitness referred to in section 21(2)(b) of the Act relating to each motor vehicle in respect of which a public permit has been granted or a photocopy of such certificate of fitness certified by a Commissioner of Oaths as being a true copy must, not later than 60 days after the applicant has been notified of the grant of such public permit, be lodged by hand, by courier or by registered post with the board concerned.

(2) The date of issue of the certificate of fitness lodged must not be earlier than 180 days from the date on which the permit in question was granted, provided that the board may at the request of the applicant in any particular case extend the period within which the certificate of fitness is lodged.

Acquisition of controlling interest

11. Any person wishing to acquire a controlling interest in a company after a public permit has been granted or issued to such company must apply in terms of section 29(3)(c) of the Act to the board, on Form B of Annexure 1 for approval of the acquisition of such a controlling interest.

PART 3 TEMPORARY PERMIT

Application for and issue of temporary permit

12. (1) An application for the grant of a temporary permit must be lodged with the board on Form C set out in Annexure 1, and be accompanied by the fee set out in Table A of Annexure 2, and in that application the applicant must furnish a clear reply for every question relating to the application.

(2) An application for the grant of a temporary permit may not be considered by the board unless and until the applicant has complied with the requirements of subregulation (1).

(3) If an application for a temporary permit is granted -

- (a) the applicant must pay the daily rate fee set out in Table B of Annexure 2 for each day the temporary permit is valid;
- (b) the board must issue a temporary permit, and

that permit is valid for a period not exceeding 14 days under section 20 of the Act.

(4) The powers, duties and functions of the board under section 20 of the Act may be exercised or performed on its behalf by its chairperson or by one of its members nominated for that purpose by its chairperson in regard to all categories of applications for temporary permits which the board is empowered to consider and to dispose of.

PART 4 APPEALS

Appeals

13. (1) An appeal made to the commission in terms of section 8 of the Act must -

- (a) clearly and fully set out the act, direction or decision which is being appealed against;
- (b) specify the board whose act, direction or decision is being appealed against, the date of the meeting on which the said act was performed or the said direction or decision was given and, in the case where such board has notified the person referred to in section 8 of the said direction or decision by means of a written document, the date of such document;
- (c) clearly and specifically set out the grounds on which the appeal is based;

- (d) be within a period of 21 days from the date on which the board concerned has performed the said act or has given the said direction or decision, addressed to the chairperson of the commission in writing and such an appeal must be lodged by hand to the physical address of the Ministry; and
 - (e) be accompanied by the fee of N\$ 100.00 paid to the cashier at the Ministry.
- (2) A board against whose act, direction or decision an appeal has been lodged must, not later than 21 days after being requested thereto by the commission, forward to the commission copies of all documents relating to the appeal and the written reasons for its act, direction or decision appealed against, provided that the commission may in any particular case extend the period of 21 days at the request of the board concerned.
- (3) If an application for the suspension of the operation of an act, direction or decision of the board is granted in terms of section 8(3)(b) of the Act after a permit has been issued in pursuance of such act, direction or decision, the commission may demand of the holder of such permit to lodge the permit by hand, by courier or by registered post to the commission.
- (4) Subject to the provisions of section 9 of the Act, the commission in considering an appeal in terms of section 8(2) of the Act, must take cognisance of all the information contained in the documents submitted to it by the appellant and the board concerned in terms of this regulation and the commission may at its discretion -
- (a) inspect any place or object relating to the appeal;
 - (b) direct the board against whose decision the appeal has been brought to collect information on any matter arising from the appeal and to submit such information to the commission or to specify the reasons for such decision in greater detail.
- (5) The commission must convey its decision in writing to the appellant and to any party who in the commission's view is affected by such decision.

PART 5 PROCEDURE

Notice to witnesses

14. A notice given in terms of section 9(1)(b) of the Act must be on Form D set out in Annexure 1, and an inspector must personally hand such notice to the person to whom it applies, and such inspector must report to the commission.

Decision of board

15. The board must convey its decision concerning every application for a permit in writing to every party having an interest in such application, provided that such a decision may be conveyed orally in the case of an application for a temporary permit.

Distinguishing marks

- 16.** The holder of a permit to whom a distinguishing mark has been issued must -
- (a) maintain such distinguishing mark in such a condition that all letters and figures on it are clearly legible and if such distinguishing mark is damaged, lost or not clearly legible, apply for a duplicate in the manner prescribed by regulation 18;

- (b) in the case of a bus, motor vehicle or goods vehicle other than a trailer, affix such distinguishing mark with its inscribed side facing to the front in a clearly visible place on the inside of the windscreen of the bus, motor vehicle or goods vehicle and keep it affixed; and
- (c) in the case of a trailer, affix such distinguishing mark with its inscribed side facing outwards on a clearly visible place on one of the sides of the trailer and keep it affixed.

Discontinuation of road transportation

17. (1) The holder of a public permit, who has the authority to convey persons or goods, must not discontinue such conveyance or any part of such conveyance unless he or she or it has advised the board of his or her or its intention to discontinue such conveyance at least 30 days before such discontinuation, by written notice delivered by hand, by registered post or by electrical mail, provided that the board may authorise the holder to discontinue such conveyance within a shorter period of time.

(2) If directed by the board, the holder of a public permit must -

- (a) in any case where the conveyance referred to in subregulation (1) is discontinued in its entirety, return the public permit, not later than 10 days from the date of discontinuation of the conveyance, by hand, by courier or by registered post to the board; and
- (b) in any case where the conveyance referred to in subregulation (1) is discontinued in part, submit the public permit, not later than 10 days after the date on which such part of the conveyance is discontinued, by hand, by courier or by registered post to the board for amendment.

(3) If the holder of a permit referred to in subregulation (1) temporarily suspends such conveyance, he or she or it must -

- (a) not later than 48 hours after the suspension of such conveyance; and
- (b) not later than 48 hours after the resumption of such conveyance,

inform the board by written notice delivered by hand, by registered post or by electronic mail provided that the notice of any suspension referred to in paragraph (a) must contain detailed reasons for such suspension.

Duplicate

18. (1) An application for a duplicate permit is lodged when the holder of a permit satisfies the board by affidavit that such permit has been lost or destroyed, or produces a permit that has been so damaged that the letters and figures are no longer clearly legible.

(2) An application for a duplicate permit must be lodged with the board or competent body -

- (a) by affidavit and in compliance with subregulation (1); and
- (b) be accompanied by the fee set out in Table A of Annexure 2.

- (3) If the application for the duplicate permit is granted the board must -
- (a) issue the holder with a duplicate permit, clearly endorsed “duplicate”; and
 - (b) the holder must pay the fee set out in Table B of Annexure 2 for the issue of a duplicate permit.

Issue free of charge

19. The board may, without charge, issue a permit -
- (a) in substitution of a permit that has been amended in terms of section 25(1)(c) or section 26(1)(b) of the Act in regard to any condition, requirement or authority contained in a permit;
 - (b) in substitution of any permit that has been amended by virtue of an amendment of this Act or of the regulations;
 - (c) in substitution of any permit to be amended by virtue of any alteration in terms of any legislation governing the licensing and registration of motor vehicles;
 - (d) in substitution of any permit amended by virtue of a mistake made by an employee of the State in the course of his or her duties in issuing such a permit or made by an employee of the authority responsible for the licensing and registration of motor vehicles in terms of any legislation governing the licensing or registration of motor vehicles in the course of his or her duties in issuing licensing or registration documents relating to the motor vehicle concerned;
 - (e) in substitution of two or more permits issued in respect of the same motor vehicle by a single permit;
 - (f) in substitution of a certificate or exemption referred to in section 48(1)(b) of the Act, the validity of which has been terminated by a notice under section 48(2) of the Act, or that has been withdrawn by a notice under section 48(3) of the Act; or
 - (g) in substitution of a permit to be amended in terms of the provisions of regulation 17(2)(b).

Change of address

20. If the holder of a public permit changes his or her or its address during the currency of such permit he or she or it must not later than 10 days after such change, notify the board by written notice, delivered by hand, by registered post or by electronic mail of his or her or its new address.

PART 6 INQUIRY AND ARBITRATION

Inquiry under section 28 of Act

21. (1) When the Minister directs the commission or a member of the commission to institute a public inquiry in terms of section 28(1) of the Act, the notice of such inquiry must, in terms of section 28(2) of the Act, specify -

- (a) the venue of the inquiry;

- (b) the time and date of commencement of the inquiry; and
- (c) if such inquiry is instituted by a member of the commission, the full names of that member.

(2) The notice referred to in subregulation (1) must be published in the *Gazette* and in at least one newspaper circulating widely in Namibia in which the road transportation concerned is undertaken.

Appointment of arbitrators

22. (1) The fee for compensation by arbitration in terms of section 26(6) and 28(6) of the Act must be determined by two arbitrators of whom one must be nominated by the Executive Director and the other by the party or parties to be compensated.

(2) If the party or parties fail to nominate an arbitrator or to advise the Executive Director of such nomination within 14 days after having been called by the Executive Director to do so, the Executive Director may nominate the second arbitrator.

PART 7 COMMITTEE FOR PURPOSES OF SECTION 27 OF ACT

Appointment of committee by Minister

23. (1) The committee appointed by the Minister in terms of section 27 of the Act must consist of two members.

- (2) The members of the committee must consist of -
 - (a) a staff member of the Ministry, who must also act as chairperson of the committee; and
 - (b) a staff member of the Ministry of Finance.

(3) The Minister may, at his or her discretion, appoint any person whom he or she considers to have an interest in the matter dealt with by the committee as an advisory member of the committee, and an appointed advisory member must attend meetings of the committee only when requested thereto in writing by the chairperson.

(4) A member of the committee, including an advisory member appointed under subregulation (3), holds office for the duration given by the Minister, but must vacate his or her office -

- (a) if he or she terminates his or her services with the office, ministry or agency established in section 3 of the Public Service Act, 1995 (Act No.13 of 1995) in whose employment he or she was at the time of his or her appointment as an advisory member of the committee; and
 - (b) on being relieved of his or her office in terms of subregulation (6) or upon resigning by written notice addressed to the Minister.
- (5) The office of a member or advisory member becomes vacant on his or her death.
- (6) The Minister may relieve a member or an advisory member of the committee of his or her office if -
- (a) he or she has been guilty of improper conduct or has regularly neglected his or her duties as a member of the committee; or

- (b) he or she is not capable of the efficient discharge of his or her duties as a member of the committee.

Powers and duties of committee

24. The committee appointed under section 2(h) of the Act may -
- (a) negotiate with the holder referred to in section 27 of the Act in an attempt to find alternative routes or areas for the motor vehicles covered by the permits that are to be withdrawn or amended;
 - (b) make recommendations to the board in regard to any application for or pertaining to a permit which the holder referred to in paragraph (a) may lodge with the board;
 - (c) negotiate with the holder referred to in paragraph (a) and with any other interested party and make recommendations with a view to affecting the change-over from road transport to transport by rail with the least possible disruption and at the lowest possible cost to all parties concerned; and
 - (d) meet at a suitable place and inspect any place, route or area whose inspection it deems desirable.

PART 8 GENERAL PROVISIONS

Returns

25. (1) If so directed by the board the holder of a permit must not later than 10 days after the end of each calendar month submit a return to the board, in the form determined by the board, which must show the following -

- (a) in the case of passengers, the number of passengers conveyed during the previous calendar month in the motor vehicle to which such permit relates and the distance in kilometres covered in the process within each area or on every route specified in the permit (urban and rural areas to be shown separately); and
- (b) in the case of goods, the total mass in kilograms of goods conveyed in the previous calendar month in the good vehicle to which such permit relates and the distance in kilometres covered in the process within each area or on every route specified in such permit (urban and rural areas to be shown separately), provided that, if it is not possible to give the exact total mass, an estimate of the total mass will suffice.

(2) If the holder of a permit did not convey any persons or goods during any calendar month under the authority conferred by such permit, he or she or it must not later than 10 days after the end of that calendar month, notify the board accordingly.

Records

26. (1) The holder of a permit must, on the vehicle to which that permit relates, keep in respect of each trip made by such motor vehicle an accurate record showing -

- (a) in the case of passengers, the number of passengers (separate records must be kept in respect of each area or route specified in such permit);

- (b) in the case of goods -
 - (i) the places between which and the area or areas within which goods are conveyed;
 - (ii) the names of consignors and consignees;
 - (iii) the number of parcels and a brief description of the goods; and
 - (iv) the mass of each consignment, provided that if it is not possible to give the exact mass of each consignment of goods, a reasonable estimate of the mass will suffice.
- (2) The records referred to in subregulation (1) must be completed -
 - (a) in the case of passengers, by the driver of such motor vehicle or if a conductor is on duty on that motor vehicle by the conductor at the end of each forward and return journey; and
 - (b) in the case of goods, by the holder of such permit or by his or her or its employee upon receipt of such goods by the said holder or his or her or its employee.
- (3) The records referred to in subregulation (1) must be kept on the motor vehicle by the driver of the motor vehicle to which such records relate or if a conductor is on duty on that motor vehicle, by such conductor and must be made available for inspection upon request by an authorised officer.
- (4) Every record completed in terms of the regulations must be kept by the holder of the permit concerned and be readily available for inspection by an authorised officer at any time during a period of 12 months from the date on which such record was completed.

Information on vehicles

27. (1) Particulars required by section 24(1)(c) of the Act that must appear on a motor vehicle to which a public or private permit relates, must be inscribed on both sides of such motor vehicle, or where this is not practically feasible, on another clearly visible place on the motor vehicle, in a colour that shows up clearly against the background on which they are inscribed.

Powers, duties and functions of authorised officers

28. (1) Every inspector must wear the identification issued to him or her by the Executive Director, and if requested show his or her identification to every person with whom he or she deals in his or her official capacity.

(2) Apart from the duties and powers referred to in the Act and in the regulations, an authorised officer may in relation to road transportation -

- (a) direct a motor vehicle to stop and examine goods conveyed thereon to establish whether such motor vehicle is being used for road transport and for the purpose of stopping a motor vehicle, a flashing blue light in any direction and a stop sign with border and legend of white reflectorised material against a red reflectorised background and clearly legible at a distance of 100 metres, may be used;

- (b) require the driver of a motor vehicle to furnish his or her name and address and any documentary evidence in support thereof and the name and address of the owner of the motor vehicle as well as particulars of the business in connection with which such vehicle is being used;
- (c) require that the driver or other person in charge of a motor vehicle produce for inspection any documents or other records in or on the motor vehicle or in his or her possession that in any way relates to the goods or persons being conveyed on such motor vehicle;
- (d) require that any person in a motor vehicle used for road transport furnish his or her full name and address and any documentary evidence and that he or she state whether he or she has paid or has to pay any consideration for his or her conveyance on such motor vehicle and that he or she furnishes the name and address of the person to whom he or she had or has to make such payment;
- (e) require that the driver of or any person on a motor vehicle furnish the name and address of the consignor and the consignee of goods being or about to be conveyed on such vehicle, as well as the names of the places between which such conveyance takes place;
- (f) require that the records to be kept in terms of regulation 26 must be produced by the driver of a motor vehicle or by the conductor, if any for inspection;
- (g) enter any premises other than a premises which is used as a home at any reasonable time to investigate within the ambit of his or her duties as authorised officer and may while he or she is on or in such premises or at any other reasonable time -
 - (i) question any person that may be able to furnish any information required;
 - (ii) require that any person at a determined time and place, hand over all books and documents which may serve as proof of the commission of an offence or an alleged offence in terms of the Act; and
 - (iii) the authorised officer may examine such books or documents and make extracts or copies of such books or documents, and require an explanation of any entries in such book or document, provided that any person questioned or required to furnish an explanation must be entitled to all the privileges to which any person testifying before a court of law would be entitled;
- (h) require that the driver or other person in charge of a motor vehicle used for road transport produce any documents which have been issued by the board or a local authority in respect of that motor vehicle and which are required by law to be kept on that motor vehicle;
- (i) require that the driver or other person in charge of a motor vehicle which is used for road transport and which is so defective as to be a possible danger to persons and property, hand over the current permit as well as the distinguishing mark relating to such vehicle and that he or she ceases his or her activities until such time as such defect has been remedied;
- (j) upon the order of the commission or the board seize every permit specified in such order and hand the permit to the commission or to the board that issued such order;

- (k) require that the driver or other person in charge of a motor vehicle opens the seal, lock or device with which such load is locked in order to examine the load, and if the driver or other person in charge of such motor vehicle fails or refuses to comply with the requirement, the authorised officer may forcibly break the seal, lock or device to be able to examine the load; and
- (l) after examining the load of a motor vehicle which had been sealed or locked in terms of paragraph (k), the authorised officer must reseal such load with an official seal and issue the driver or other person in charge of such motor vehicle with a certificate in the form determined by the board in which it is confirmed that the seal, lock or device had been opened or forced open by order of an authorised officer and in which details are given of the official seal with which such load was resealed.

(3) Apart from the duties and powers specified in the Act and in the regulations, an inspector, and any member of the Namibian Police may seize any motor vehicle reasonably suspected of having been used in connection with the conduct of unauthorised road transportation, as well as the goods conveyed on such vehicle.

(4) On the seizure of any motor vehicle or goods in terms of subregulation (3), the person who made such seizure, must take such motor vehicle or goods to a police station to be dealt with in accordance with the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Offences and penalties

- 29.** Any person who -
- (a) contravenes or fails to comply with the provisions of regulation 16, 17, 20, 25, 26 or 27;
 - (b) fails to comply with any requirement or order under regulation 2, 3(6)(a), (b), 5(4)(b), 6(4)(b) or 13(4); or
 - (c) fails to comply with any request made under regulation 28(2)(b), (c), (d), (e), (f), (g)(ii), (h) or (i),

commits an offence and is liable on conviction to the penalties prescribed in section 35 of the Act.

Transitional Provision

30. Any application which was commenced under the repealed regulations is deemed to have been made under these regulations in which case these regulations apply to such an application.

ANNEXURE 1

FORM A

**REPUBLIC OF NAMIBIA
MINISTRY OF WORKS AND TRANSPORT
(ROAD TRANSPORTATION ACT NO. 74 OF 1977)**

**APPLICATION FOR PUBLIC/PRIVATE PERMIT
(REGULATION 3)**

NB. 1. The application will not be considered unless this form is completed in detail and any additional information furnished which may be required.

2. A fee of N\$ 200.00 must accompany this application.

Permit applied for (indicate with X in the appropriate block): Public permit <input type="checkbox"/> / Private permit <input type="checkbox"/> <hr/> Indicate type of application with X in the appropriate block: New application <input type="checkbox"/> / Replacement of vehicle <input type="checkbox"/> Amendment of route <input type="checkbox"/> / Additional authority <input type="checkbox"/>	<i>For office use</i> Application No. Receipt No. Amount paid. <i>Government Gazette No.</i> Date
---	--

1. (a) Full name of applicant in block letters (i.e. person, partnership or registered company):

Identity No. / Registration No. of Company:

(b) Trade-name, designation or the title under which the industry, trade or business is conducted (in block letters):

N.B. In respect of an application for a private company a copy of the required trade licence must accompany the application.

3. State in detail what you wish to convey.

(a) If persons:

(i) indicate with X in the appropriate box for what purpose the passengers will be conveyed.

Taxi passengers / Persons on a particular route

Organised parties e.g. sport parties etc. / Tourists /

Employees

(ii) will the persons be conveyed for reward? Yes No

(b) If goods:

(i) do you wish to convey your own goods? Yes No

(ii) will the goods be conveyed for reward? Yes No

(iii) state in detail the nature of the goods

4. (a) State in detail between which points and/ or within which area you wish to undertake conveyance: NB. Where persons or goods are to be conveyed between fixed points, a detailed description of both the forward and return journeys must be furnished in such a manner that leaves no doubt of the exact route to be followed on the forward and the return journeys. A comprehensive sketch map of the route indicating distances between points on the route(s) may be attached. In respect of a taxi indicate the point where the motor vehicle will be operated from and in respect of organised groups indicate the area/ radius wherein the transport will be undertaken:

.....
.....
.....

(b) If this application is in respect of the amendment of route on the existing permit, state in detail the route that will be amended, the reason for the amendment and furnish the information outlined in section 5(a) for the amendment of route (attach motivation letter):

.....
.....
.....

(c) If this application is in respect of the addition of another route to the existing permit, state in detail the existing route and the new route to be added, the reason for the addition, and furnish the information outlined in section 5(a) for the additional route (attach motivation letter):

.....

5. Time - tables and scale of charges, where applicable, must be submitted in an annexure.

6. State reasons why existing transport facilities cannot be used. (Letters and documents in support of the application may be submitted):

.....

7. If this application is in respect of replacement of a motor vehicle (state whether there is an increase or decrease in the sitting capacity of the passenger seats, state the initial number of seats and the increased or decreased number of seats, state the reason/s for the increase or decrease in sitting capacity (attach motivation letter):

.....

8. If this application is in respect of an amendment of the motor vehicle particulars of the permit, state the number(s) of the permit(s) and the registration number(s) of the motor vehicle(s) recorded on the permit(s) (attach motivation letter):

.....

9. Furnish details of any other person or company having any interest in the road transportation dealt with in this application:

.....

10. If you already are in possession of a public or private permit(s), attach a copy of the existing permit(s) to this application and state:

(a) the name of the board which issued the existing permit(s):

.....

(b) the number(s) and date(s) of the existing permit(s):

.....

(c) the registration number(s) of the motor vehicle(s) involved:

.....

11. If a previous application has been refused or has not yet disposed of, state:

(a) the name of the board to which application was made:

.....

(b) date of application:

.....

I hereby declare that the abovementioned statement is true to the best of my knowledge and belief and that I make this statement knowing that if it is tendered in evidence I would be liable to prosecution if I willfully stated in it anything which I know to be false or which I do not believe to be true.

I know and understand the contents of this statement.

Date:

Place:

Applicant signature:

FORM B

**REPUBLIC OF NAMIBIA
MINISTRY OF WORKS AND TRANSPORT
(ROAD TRANSPORTATION ACT NO. 74 OF 1977)
APPLICATION FOR TRANSFER OF PUBLIC/PRIVATE PERMIT/**

**APPLICATION TO ACQUIRE A CONTROLLING INTEREST
(REGULATIONS 5 AND 11)**

- NB. 1. The application will not be considered unless this form is completed in detail and any additional information furnished which may be required.
2. A fee of N\$ 200.00 must accompany this application.
3. For an application of transfer, complete Parts 1, 2 and 3.
4. For an application to obtain a controlling interest, complete Part 4.
5. Certified copies of identity documents must be attached where required.

<p>Indicate the type of application applied for (indicate with X in the appropriate block):</p> <p>Application for transfer of a public permit <input type="checkbox"/></p> <p>/ Application for transfer of a private permit <input type="checkbox"/></p> <p>/ Application to obtain a controlling interest <input type="checkbox"/></p>	<p><i>For office use</i></p> <p>Application No.</p> <p>.....</p> <p>Receipt No.</p> <p>.....</p> <p>Amount paid.</p> <p>No. of permits issued</p> <p>Date</p>
---	--

PART 1

Must be completed by the person who takes transfer. (Attach certified copies of identity documents).

1. (a) Full name of applicant in block letters (i.e. person, partnership or registered company):
-
- Identity No. / Registration No. of Company:
- (b) Trade-name, designation or the title under which the industry, trade or business is conducted (in block letters):

(b) State the number(s) of the permit(s) of the motor vehicles mentioned in paragraph 2(a):

.....

3. If you are in possession of a public or private permit(s), state:

(a) the name of the board which issued the permit(s):

.....

.....

(b) the number(s) and date(s) of the permit(s):

.....

.....

(c) the registration number(s) of the motor vehicle(s) involved:

.....

.....

PART 2

Must be completed by the person who takes transfer.

1. State the full amount or consideration to be paid or given N\$

2. (a) Is/ are the motor vehicle(s) included in the proposed transfer?

Yes No

(b) Will the motor vehicle(s) be used by you? Yes No

(c) What is/ are the value of the motor vehicle(s)? N\$

3. What assets other than the motor vehicle(s) will be transferred? (Describe)

.....

Date:

.....

PART 3

Must be completed by transferor- permit holder
(Attach certified copies of identity documents).

1. (a) Full name of transferor in block letters (i.e. person, partnership or registered company):
- (b) Trade-name, designation or the title under which the industry, trade or business is conducted (in block letters):
2. How long have you held the public/private permit(s) that is/are to be transferred?
.....
3. State reasons why you wish to relinquish the public/ private permit(s):
.....
4. Do you hold valid certificate(s) of fitness and motor vehicle registration certificate(s) for the vehicle(s)? Yes No
5. Have you read the answers to the questions in Part 2 above? Yes No
6. Are these answers by the applicant true and correct? Yes No
7. Do you hereby consent to the transfer of the public/private permit(s) No:
.....
subject to the approval of the board? Yes No

Date:

Signature of executor or transferor:

PART 4

Must be completed by the person who acquires a controlling interest

- 1. Full name and citizenship of present owner, partners or directors as well as the distribution of shares:
- 2. Full name and citizenship of new owner, partners of directors as well as the distribution of shares:
- 3. Furnish full particulars of any interests, arrangements or agreements that the new owner, partners or directors have or may have in any other road carrier business, together with the relative authority and the name of the board which issued the permit(s) (attach copies of supporting documentation):
- 4. Furnish full particulars of any interest, arrangements or agreements that the new owner, partner or directors have or may have in any other company, partnership, trade or business (attach copies of supporting documentation):

Date:

Signature of applicant or assignee:

I hereby declare that the abovementioned statement is true to the best of my knowledge and belief and that I make this statement knowing that if it is tendered in evidence I would be liable to prosecution if I willfully stated in it anything which I know to be false or which I do not believe to be true.

I know and understand the contents of this statement.

Date:

Place:

Applicant signature:

FORM C

**REPUBLIC OF NAMIBIA
MINISTRY OF WORKS AND TRANSPORT
(ROAD TRANSPORTATION ACT NO. 74 OF 1977)**

**APPLICATION FOR TEMPORARY PERMIT
(REGULATION 12)**

- NB. 1. The application will not be considered unless this form is completed in detail and any additional information furnished which may be required.
2. A fee of N\$ 150.00 must accompany this application.
3. Certified copies of identity documents must be attached where required.

Permit applied for (indicate with X in the appropriate block): Temporary permit <input type="checkbox"/>	<i>For office use</i> Reference No. Application No. Receipt No. Amount paid. No. of permits issued Date
<hr/> Indicate the type of application applied for (indicate with X in the appropriate block): Application for temporary permit to enter and depart the borders of Namibia <input type="checkbox"/> / Application for temporary permit to tour <input type="checkbox"/>	

1. (a) Full name of applicant in block letters (i.e. person, partnership or registered company):
-
- (b) Full business address (not postal address):
-
- (c) Full postal address:
-
- (d) Inquiries: Telephone No:
- (e) Name and address of consignor:
-

(f) Name and address of owner of goods:

(g) Name and address of consignee:

State in detail what you wish to convey:

(a) If persons:

(i) state the number:

(ii) indicate with X in the appropriate block for what purposes the passengers will be conveyed:

Taxi passengers / Organised parties e.g. / Persons on a

sport parties etc, etc. particular route

Employees / Tour

(iii) will the persons be conveyed for reward? Yes No

(b) If goods:

(i) do you wish to convey your own goods? Yes No

(ii) will the goods be conveyed for reward? Yes No

(iii) describe in detail and give the approximate dimensions and weight:

4. State in detail between which points and/ or within which areas you wish to undertake conveyance:

5. (a) Period/ date(s) of conveyance:

(b) If persons, state the time of departure:

forward journey return journey

6. State reasons why existing transport facilities cannot be used (submit letters and documents in support):
-
-
7. If you are a holder of a public/ private permit, state by which local road transportation board it was issued:
8. Description of motor vehicle(s) undertaken conveyance. Complete the table below and attach valid copies of the vehicle document(s). (Attach motor vehicle license, operators card and road worthy documentation).

(a) Vehicle registration number	(b) Make and year of manufacture	(c) Class of vehicle (e.g motorcar)	(d) Engine Number	(e) Chasis Number	(f) In the case of a goods vehicle the vehicle mass	(g) In the case of a goods vehicle the tare	(h) In the case of a passenger vehicle the seating capacity	(i) Name of registered owner of vehicle

I hereby declare that the abovementioned statement is true to the best of my knowledge and belief and that I make this statement knowing that if it is tendered in evidence I would be liable to prosecution if I willfully stated in it anything which I know to be false or which I do not believe to be true.

I know and understand the contents of this statement.

Date:

Place:

Applicant signature:

FORM D

REPUBLIC OF NAMIBIA

MINISTRY OF WORKS AND TRANSPORT

**ROAD TRANSPORTATION ACT, 1977 (ACT NO. 74 OF 1977)
NOTICE IN TERMS OF REGULATION 14**

Name:

Address:

You are hereby required and directed to appear personally before the commission or board

.....

at (place) on the (date)

at (time) to testify and declare all you know in

regard to

and to bring with you the following books, plans, papers and/ or objects for the submission to the
commission or board

.....

.....

Chairperson of the commission or board

For official purposes only.

I certify that I have served this notice on the above-mentioned person by:

- (a) delivering a true copy to him or her personally; or
- (b) leaving, as he/she could not conveniently be found, a true copy with a known person to at him/her:

	place of business
	usual place of residence
	last known place of residence

- (c) and at the same time informing him/her of the nature and existence thereof.

Date:

Place:

Signature of authorised officer:

ANNEXURE 2**FEES PAYABLE FOR APPLICATION AND ISSUE OF PERMIT****TABLE A
APPLICATION FEES**

1.	New public/ private permit	N\$200.00
2.	Replacement of public/ private permit	N\$200.00
3.	Transfer of public/ private permit	N\$200.00
4.	Amendment of public/private permit	N\$200.00
5.	Additional authority to public/private permit	N\$200.00
6.	Temporary permit	N\$150.00
7.	Duplicate permit	N\$150.00

**TABLE B
PERMIT ISSUE FEES**

1.	New public/ private permit	N\$250.00
2.	Replacement of vehicle	N\$150.00
3.	Transfer of public/ private permit	N\$150.00
4.	Temporary permit (for foreign registered vehicle)	N\$100.00 per day
5.	Temporary permit (for locally registered vehicles)	N\$ 25.00 per day
6.	Duplicate permit	N\$150.00
