



GOVERNMENT GAZETTE

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Government Notices

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 161

2002

COMMENCEMENT OF PART 2 OF CHAPTER 4 OF THE ROAD TRAFFIC AND TRANSPORT REGULATIONS

The Minister of Works, Transport and Communication has, in terms of section 91 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), determined that Part 2 of Chapter 4 of the Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001, commences on 2 September 2002.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 162

2002

**DETERMINATION OF DATE FOR EXCHANGE OF DRIVING LICENCES:
ROAD TRAFFIC AND TRANSPORT ACT, 1999**

In terms of section 40 (2) of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), I determine that the holder of a driving licence issued under the repealed Road Traffic Ordinance, 1967 (Ordinance No. 30 of 1967) may apply for the replacement of such licence by a driving licence issued under that Act, with effect from the date applicable in accordance with the following table:

DATE	PERSON
2 September 2002	(a) Any person who has to obtain a duplicate driving licence as contemplated in regulation 120 of the Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001; (b) Any person who is the holder of a public driving permit of which the validity expires within 6 weeks from the date of commencement of regulation 27 of Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001; (c) Any person who is a Namibian citizen or who is a permanent resident in Namibia and whose driving licence is contained in an identity document issued by the South African Government in accordance with the laws of that country.
1 November 2002	Any person whose month of birth is January
1 February 2003	Any person whose month of birth is February
1 May 2003	Any person whose month of birth is March
1 August 2003	Any person whose month of birth is April
1 November 2003	Any person whose month of birth is May
1 February 2004	Any person whose month of birth is June
1 May 2004	Any person whose month of birth is July
1 August 2004	Any person whose month of birth is August
1 November 2004	Any person whose month of birth is September
1 February 2005	Any person whose month of birth is October
1 May 2005	Any person whose month of birth is November
1 July 2005	Any person whose month of birth is December

A.K. KAPERRE
DEPUTY MINISTER OF WORKS,
TRANSPORT AND COMMUNICATION

Windhoek, 11 September 2002

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 163

2002

AMENDMENT OF ROAD TRAFFIC AND TRANSPORT REGULATIONS, 2001

The Minister of Works, Transport and Communication has under section 91 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), made the regulations as set out in the Schedule.

SCHEDULE**Definitions****1.** In these Regulations -

“the Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999); and

“the Regulations” means the Road Traffic and Transport Regulations, 2001 promulgated under Government Notice No. 53 of 2001, as amended by Government Notice No. 97 of 2001 and Government Notice No. 103 of 2002.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended by the substitution for paragraph (d) of the definition of “**acceptable identification**” of the following paragraph:

“(d) in the case of -

- (i) a person carrying on a business which, for the purposes of this definition, includes farming activities;
- (ii) a body of persons not referred to in paragraph (c); or
- (iii) a Namibian citizen or person who holds a permanent residence permit issued under the Immigration Control Act, 1993 (Act No. 7 of 1993) and who is not in possession of an identity document issued or deemed to have been issued under Identification Act, 1996 (Act No. 21 of 1996),

a traffic register number certificate;”.

Amendment of regulation 110 of the Regulations

3. Regulation 110 of the Regulations is amended -

(a) by the substitution for paragraph (a) of subregulation (1) of the following paragraph:

“(a) Code 1: Motorcycle;”;

(b) by the deletion in paragraph (b) of subregulation (1) of the phrase “but including a motor tricycle or motor quadrucycle”;

(c) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

“(c) Code 3: Motor vehicle, other than a motorcycle, the tare of which exceeds 3 500 kilograms, a minibus, bus or goods vehicle the gross

vehicle mass of which exceeds 3 500 kilograms, an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 3 500 kilograms or a combination of motor vehicles of which the gross combination mass of the drawing vehicle exceeds 3 500 kilograms.”;

- (d) by the substitution for Table 1 to paragraph (e) of subregulation (3) of the table set out in Annexure 1 to these regulations;
- (e) by the substitution for Table 2 of the table set up in Annexure 2 to these regulations;
- (f) by the substitution in paragraph (b) of subregulation (6) for the codes “EB”, “EC1” and “EC” of the codes “BE”, “C1E” and “CE”, respectively;
- (g) by the substitution in paragraph (b) of subregulation (10) for the code “EC1” of the code “C1E”;
- (h) by the substitution for subregulation (13) of the following regulation:

“(13) If an application for the exchange of a licence in terms of section 40(2) of the Act relates to a code C1E, CE or C licence and the applicant -

- (a) is disqualified by reason of defective vision by virtue of regulation 112 from holding such licence; or
- (b) cannot comply with regulation 128, but qualifies to hold a code BE licence,

that application is deemed to be an application for a code BE licence and the applicant must be issued with a code EB licence.”; and

- (i) by the substitution for Table 3 of the table set out in Annexure 3 to these regulations.

Substitution of regulation 111 of the Regulations

- 4. The following regulation is substituted for regulation 111 of the Regulations:

“Period of validity of learner’s licence, driving licence and professional authorisation

111. (1) Subject to section 34 of the Act, the period of validity of a learner’s licence issued in terms of section 36 of the Act is 18 months.

(2) Subject to section 34 of the Act, the period of validity of a driving licence issued in terms of section 37 of the Act is five years.

(3) The period of validity of a professional authorisation endorsed on a licence in terms of regulation 127 is two years.”.

Amendment of regulation 112 of the Regulations

- 5. Regulation 112 of the Regulations is amended -

- (a) by the substitution in paragraph (a) of subregulation (1) for the code “EB” of the code “BE”;
- (b) by the substitution in paragraph (b) of subregulation (1) for the codes “EC1” and “EC” of the codes “C1E” and “CE”, respectively;

- (c) by the substitution for subregulation (2) of the following subregulation:
- “(2) Subject to subregulation (3), an applicant’s visual acuity and visual field must be tested for the purposes of subregulation (1) -
- (a) by a driving testing centre; and
 - (b) by means of an approved instrument.”;
- (d) by the substitution for subregulation (3) of the following subregulation:
- “(3) (a) If, upon a test in accordance with subregulation (2), it is found that an applicant’s visual acuity or visual field does not meet any of the minimum requirements stipulated in subregulation (1), the applicant may, at his or her own expense, cause a further test to be carried out by a person of his or her choice who is registered and practising as an optometrist or an ophthalmologist under the laws of Namibia.
- (b) The result of a test carried out in terms of paragraph (a) must be recorded by the optometrist or ophthalmologist concerned on an approved form.
 - (c) If the result of the further test as recorded in terms of paragraph (b) shows that the applicant is not disqualified as contemplated in subregulation (1), the result of that further test must be accepted by the driving testing centre for the purposes of that subregulation.”;
 - and
- (e) by the addition of the following subregulation:
- “(4) A test carried out in respect of an applicant in accordance with subregulation (2) or (3) ceases to be of effect upon expiry of a period of 6 months after the date on which that test was effected if the applicant has failed to complete the theoretical test referred to in regulation 114 successfully before the expiry of that period, in which event the applicant must undergo the test in accordance with subregulation (2) or (3) afresh.”.

Amendment of regulation 113 of the Regulations

6. Regulation 113 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

- “(1) An application in terms of section 36(1) of the Act must be made to a driving testing centre on the approved form, and must -
- (a) contain the results of the applicant’s visual acuity and visual field tests carried out in accordance with regulation 112;
 - (b) be accompanied by -
 - (i) acceptable identification of the applicant;
 - (ii) the appropriate fee prescribed in Schedule 1 in respect of an application for a learner’s licence;
 - (iii) if the applicant is older than 65 years, a medical certificate on the approved form, signed by a medical practitioner, attesting that the applicant is not disqualified in terms of section 34(1)(f) of the Act from obtaining a learner’s licence and driving licence.”.

Substitution of regulation 114 of the Regulations

7. The following regulation is substituted for regulation 114 of the Regulations:

“Procedure of test for a learner’s licence

114. (1) An applicant for a learner’s licence must be examined and tested by a driving examiner in accordance with the theoretical testing procedures prescribed in an approved manual.

(2) The manual referred to in subregulation (1) must be available for public inspection during normal office hours at the offices of the driving testing centre concerned.”

Substitution of regulation 115 of the Regulations

8. The following regulation is substituted for regulation 115 of the Regulations:

“Manner of issue of learner’s licence and reinstatement of suspended learner’s licence

115. (1) If an applicant for a learner’s licence satisfactorily completes the theoretical test referred to in regulation 114, the applicant must -

- (a) if no image capturing device is available at the driving testing centre concerned, submit two identical photographs of himself or herself which comply with the requirements of subregulation (4); and
- (b) pay the appropriate fee prescribed in Schedule 1 for the issue of a learner’s licence.

(2) If subregulation (1) is complied with, and if the driving examiner is satisfied with regard to the matters provided for in section 36(3) of the Act, the driving examiner or a person authorised thereto by him or her must -

- (a) complete the required documents for the issue of a learner’s licence;
- (b) if applicable, ensure that the learner’s licence is endorsed in accordance with section 36(3)(a) or (b) of the Act;
- (c) if an image capturing device is available at the driving testing centre concerned -
 - (i) capture a photographic image of the applicant on the forms approved for learner’s licences and image confirmation;
 - (ii) issue a learner’s licence on the approved form;
 - (iii) ensure that the applicant signs the learner’s licence and the approved form for image confirmation; and
 - (iv) attach the approved form for image confirmation to the applicant’s application form for filing;
- (d) if an image capturing device is not available at the driving testing centre concerned -
 - (i) issue a learner’s licence on the approved form;
 - (ii) affix one of the photographs referred to in subregulation (1)(a) to the learner’s licence and affix a lamination strip in such a

manner as to cover the photograph and a portion of the personal particulars of the holder of the learner's licence; and

- (iii) ensure that the applicant signs the learner's licence; and
- (iv) attach the second photograph referred to in subregulation (1)(a) to the applicant's application form for filing.

(3) If a learner's licence expires without the holder having obtained a driving licence for the particular class of vehicle, such person must obtain a learner's licence afresh in accordance with the provisions of these regulations if he or she intends to apply for a driving licence for that class of vehicle.

(4) The photographic image of an applicant referred to in subregulation (2)(c)(i) and the photographs referred to in subregulation (1)(a) must -

- (a) be of a size not smaller than 35mm x 40mm and not larger than 40mm by 55mm;
- (b) be a clear and true depiction of only the head and shoulders of the applicant; and
- (c) show the applicant's face in full face and, except with the permission of the Minister, show the applicant without headgear.

(5) Upon the cancellation or suspension of a learner's licence under section 42 of the Act, the Minister or the licence inspector authorised thereto by the Minister, must forthwith notify the authority where record of that licence is kept of the cancellation or suspension.

(6) If a suspended learner's licence is reinstated by the Minister under section 42(10) of the Act, the Minister must in writing give notice of that decision to -

- (a) the authority concerned;
- (b) the holder of the suspended licence; and
- (c) send the suspended learner's licence submitted by the holder in terms of section 42(9) to that authority.

(7) If, upon reinstatement of a suspended learner's licence notified in terms of subregulation (6), the period of validity of that licence has not yet expired -

- (a) the holder of that licence must submit to the authority concerned acceptable identification of himself or herself in order to obtain the return of the learner's licence; and
- (b) the authority concerned, upon receipt of acceptable identification of the holder of the learner's licence in terms of paragraph (a), must -
 - (i) return the learner's licence to that person;
 - (ii) obtain from him or her an acknowledgement of receipt of the learner's licence on the approved form; and
 - (iii) record the return of the learner's licence in the register of licences referred to in regulation 366(2)(a)(iii).

(8) If the period of validity of a suspended learner's licence expires during the period of suspension without the licence having being reinstated in terms of

section 42(10) of the Act, the holder thereof must obtain a learner's licence afresh in accordance with these regulations if he or she intends to apply for a driving licence for that class of vehicle.”.

Amendment of regulation 116 of the Regulations

9. Regulation 116 of the Regulations is amended -

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) An application for a driving licence in terms of subsection (1) of section 37 of the Act, or the renewal of a driving licence in terms of subsection (7) of that section, must be made to a driving testing centre on the approved form and must be accompanied by -

- (a) acceptable identification of the applicant;
- (b) the appropriate fee prescribed in Schedule 1 for an application for a driving licence or the renewal of a driving licence, as the case may be; and
- (c) if the driving licence applied for or to be renewed must be endorsed in accordance with regulation 127, the documents, permit, if applicable, and fee referred to in regulation 128.”; and

(b) by the addition of the following subregulations:

“(3) An application for the renewal of a driving licence -

- (a) must be made to the driving testing centre at least six weeks before the period of validity of the driving licence expires; and
- (b) is not subject to the applicant being required to be examined and tested in accordance with regulation 117, except in the circumstances contemplated in subregulation (3) of that regulation.

(4) If the holder of a driving licence fails to make application for the renewal of the licence timeously in accordance with paragraph (a) of subregulation (3), but makes such application before the date on which the licence expires and, because of such failure, cannot be issued with a renewed licence card before the expiry date, that person may not drive on a public road a motor vehicle of the class to which the driving licence relates until the renewed licence card is issued in terms of regulation 118, unless that person applies for and, upon payment of the appropriate fees prescribed in Schedule 1, is issued with a temporary licence authorising the driving of a motor vehicle of the particular class.

(5) If the holder of a driving licence fails to make application for the renewal of the licence before the date on which the licence expires, that licence may nevertheless be renewed upon application of the holder of the licence -

- (a) if such application is made within the period of 12 months following the date of expiry of the licence, upon payment of the appropriate fee prescribed in Schedule 1; or
- (b) if such application is made after the expiry of the period of 12 months referred to in paragraph (a), upon -

- (i) the driving testing centre concerned being satisfied by the holder of the licence in writing that good reasons exist for his or her failure to renew the licence before the date of its expiry and during the period referred to in paragraph (a); and
- (ii) payment of the appropriate fee prescribed in Schedule 1.”.

Substitution of regulation 117 of the Regulations

10. The following regulation is substituted for regulation 117 of the Regulations:

“Examination and testing for driving licence or renewal thereof

117. (1) An applicant for a driving licence must be examined and tested by a driving examiner in accordance with the practical testing procedures prescribed in an approved manual.

(2) The manual referred to in subregulation (1) must be available for public inspection during normal office hours at the offices of each driving testing centre.

(3) An applicant for the renewal of a driving licence may, for the purposes of determining whether or not the licence should be renewed, be required to subject himself or herself to examination and testing in accordance with subregulation (1) if a driving examiner, with reference to the applicant’s record of offences, has reasonable grounds to believe that the applicant does not have the required skills to be holder of a driving licence.

(4) If a person applies for a driving licence with a professional authorisation referred to in regulation 127 to drive an articulated vehicle or a combination of motor vehicles, the practical test referred to in subregulation (1), must be conducted while the semi-trailer or trailer is attached to the truck-tractor or the drawing vehicle.”.

Amendment of regulation 118 of the Regulations

11. The following regulation is substituted for regulation 118 of the Regulations:

“Manner of issue of driving licence

118. (1) An applicant for the issue of a driving licence who satisfactorily completes the practical test referred to in regulation 117, and an applicant for the renewal of a driving licence must -

- (a) pay the appropriate fee prescribed in Schedule 1, if that fee has not already been paid for the simultaneous issue of a driving licence of a different code;
- (b) if an image capturing device is not available at the driving testing centre concerned, submit two identical photographs complying with regulation 115(4);
- (c) submit every licence held by him or her or any other document determined by the Minister; and
- (d) submit the documents referred to in regulation 119(1)(a)(i), if the applicant requires that the driving licence card be received by another person on his or her behalf from the driving testing centre.”.

- (2) Upon compliance with subregulation (1), the driving examiner or a person authorised thereto by the driving examiner must -
- (a) complete the authorisation to issue the driving licence on the approved form and record the authorisation on the register of licences referred to in regulation 366(2)(a)(iii);
 - (b) indicate in the authorisation referred to in paragraph (a) whether the driving licence card should reflect any of the endorsements contemplated in -
 - (i) section 37(6) of the Act; or
 - (ii) in regulation 127;
 - (c) if an image capturing device is available at the driving testing centre concerned -
 - (i) capture an imprint of the left thumb and right thumb of the applicant, but if the applicant does not have a left or right thumb, an imprint of an available finger in order of the index finger, middle finger, ring finger and little finger of the left hand and the right hand, and if the applicant does not have any fingers indicate it on the application;
 - (ii) capture on the image capturing system a photographic image of the applicant complying with regulation 115(4);
 - (iii) capture the applicant's signature on the image capturing system;
 - (iv) capture the serial number generated by the image capturing system on the application form and update the register of licences referred to in regulation 366(2)(a)(iii) accordingly;
 - (v) order the driving licence from the card production facility unless the applicant has applied for the simultaneous issue of a driving licence of a different code;
 - (d) if an image capturing device is not available at the driving testing centre concerned -
 - (i) take an imprint of the left thumb and right thumb of the applicant, but if the applicant does not have a left or right thumb, an imprint of an available finger in order of the index finger, middle finger, ring finger and little finger of the left hand and the right hand, and if the applicant does not have any fingers indicate it on the application;
 - (ii) affix one of the photographs referred to in subregulation (1)(b) to the approved form and the other photograph to the duplicate thereof;
 - (iii) ensure that the applicant signs the approved form and the duplicate;
 - (iv) capture the serial number contained on the approved form on the application form and update the register of driving referred to in regulation 366(2)(a)(iii) accordingly;
 - (v) order the driving licence from the card production facility unless the applicant has applied for the simultaneous issue of a driving licence of a different code;

- (vi) forward the approved form referred to in subparagraph (iii) to the card production facility and retain the duplicate of that form;
 - (e) issue a temporary driving licence referred to in regulation 123 free of charge and, if applicable, endorse the temporary driving licence with a professional authorisation contemplated in regulation 127;
 - (f) attach the documents referred to in subregulation (1)(d), if applicable, to the application form for filing; and
- (3) On receipt of the order for the driving licence card, the card production facility must-
- (a) produce the driving licence card on the approved form;
 - (b) ensure that the expiry date of the driving licence card is indicated on the card; and
 - (c) forward the driving licence card to the driving testing centre concerned.
- (4) On receipt of the driving licence card referred to in subregulation (3), the driving testing centre must-
- (a) record the receipt of the driving licence card in the register of licences referred to in regulation 366(2)(a)(iii);
 - (b) ensure that the applicant, or if he or she is unable to collect the driving licence card, the person designated by him or her, acknowledges receipt of the driving licence card on the approved form and ensure that the provisions of regulation 119 are complied with;
 - (c) in the case of a renewal of a driving licence, retain and destroy the old driving licence card; and
 - (d) record the issue of the driving licence card in the register of licences referred to in regulation 366(2)(a)(iii).
- (5) Except if previously otherwise agreed with the applicant, the driving examiner must destroy an unclaimed driving licence card after expiry of a period of 210 days after the receipt of the driving licence card, and record the fact that it has been destroyed in the register of licences referred to in regulation 366(2)(a)(iii)."

Amendment of regulation 120 of the Regulations

12. Regulation 120 of the Regulations is amended -

(a) by the substitution for subregulation (1) of the following subregulation:

“(1) An application for the issue of a duplicate learner’s licence or a driving licence must be made in person by the holder thereof to a driving testing centre on the approved form, and must be accompanied by -

- (a) the appropriate fee prescribed in Schedule 1;
- (b) acceptable identification of the applicant;
- (c) the original licence, or if the original licence is lost, stolen or destroyed, a declaration to that effect by the applicant on the approved form;

- (d) in the case of an application for the issue of a duplicate driving licence at a driving testing centre where no image capturing device is available or in the case of an application for the issue of a duplicate learner's licence, two identical photographs of the applicant complying with regulation 115(4)."; and
- (b) by the deletion of subregulation (3).

Amendment of regulation 121 of the Regulations

13. Regulation 121 of the Regulations is amended -

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to subregulation (3), a licence referred to in section 41(1)(a) of the Act is, during the period of validity thereof in the country of issue, deemed to be a valid licence for the purpose of Chapter 4 of the Act -

- (a) if the licence was issued in English by the country of issue; or
 - (b) in the case of a licence not issued in English by the country of issue, if a certificate of validity relating to that licence issued in English by a competent authority of that country, or a translation of that licence in English by a sworn translator, is attached thereto; and
 - (c) if the licence contains or has attached thereto a photograph and the signature of the holder thereof.";
- (b) by the substitution for subregulation (3) of the following subregulation:

"(3) The period contemplated in section 41(2) of the Act for which a licence referred to in subregulation (1) must be deemed to be a licence for the purpose of Chapter 4 of the Act, is 12 months, calculated -

- (a) in the case of the holder of the licence being a Namibian citizen who resided in the country of issue or another country and who decides to take up permanent residence in Namibia, from the date referred to in item 14(3)(a) of Schedule 4; or
 - (b) in the case of the holder of the licence who is permanently resident in Namibia under a permanent residence permit issued under the Immigration Control Act, 1993, from the date referred to in item 14(3)(2)(b) of Schedule 4.";
- (c) by the substitution for subregulation (4) of the following subregulation:

"(4) A licence referred to in subregulation (1) or an international driving permit referred to in subregulation (2), may, at any time during the period of validity thereof in the country of issue, be replaced by a licence issued in terms of Chapter 4 of the Act.";

- (d) by the substitution for subregulation (5) of the following subregulation:

"(5) An application for the replacement of a licence or permit in terms of section 41(3) of the Act must be made to a driving testing centre on the approved form and must be accompanied by the licence to be replaced.";

and

- (e) by the substitution for subregulation (6) of the following subregulation:

“(6) On receipt of an application referred to in subregulation (5), the driving testing centre concerned must, subject to the Convention, issue a driving licence -

- (a) of a class or classes of motor vehicles referred to in regulation 110(4), which must be similar to the class or classes authorised by the licence to be replaced;
- (b) in the manner contemplated in regulation 118, if it is satisfied that -
 - (i) the applicant is the holder of the licence or permit to be replaced; and
 - (ii) the licence or permit is still valid in the country of issue.”.

Amendment of regulation 123 of the Regulations

14. Regulation 123 of the Regulations is amended -

- (a) by the substitution for subregulation (1) of the following subregulation:

“(1) A person whose driving licence has been lost, stolen, destroyed or defaced may on the approved form apply to a driving testing centre apply for a temporary driving licence and the application must be accompanied by -

- (a) acceptable identification of the applicant;
- (b) if an image capturing device is not available at the driving testing centre concerned, two identical photographs of the description in regulation 115(4); and
- (c) the appropriate fee prescribed in Schedule (1).”;

- (b) by the substitution for subregulation (2) of the following subregulation:

“(2) On receipt of the request referred to in subregulation (1) a driving examiner or a person authorised thereto must-

- (a) determine whether the person is the holder of a valid licence;
- (b) if an image capturing device is available at the driving testing centre concerned -
 - (i) capture an imprint of the left thumb and right thumb of the applicant, but if the applicant does not have a left or right thumb, an imprint of an available finger in order of the index finger, middle finger, ring finger and little finger of the left hand and the right hand, and if the applicant does not have any fingers indicate it on the application;
 - (ii) capture on the image capturing system a photographic image of the applicant complying with regulation 115(4);
 - (iii) capture the signature of the applicant on the image capturing system;

- (c) if an image capturing device is not available at the driving testing centre concerned, affix one of the photographs referred to in subregulation (1)(b) to the approved form and the other photograph to the duplicate thereof;
 - (d) complete the temporary driving licence on the approved form and indicate the relevant code of driving licence and professional authorisation referred to in regulation 127, if applicable, next to the identity number of such person;
 - (e) ensure that the person signs the form;
 - (f) affix one lamination strip to the original form and another to the copy thereof to cover the photograph, portion of the personal particulars, expiry date, code of licence and professional authorisation of that person; and
- (f) issue the original temporary driving licence to that person.”

Substitution of regulation 124 of the Regulations

15. The following regulation is substituted for regulation 124 of the Regulations:

“Replacement of driving licence under section 40 of the Act

124. (1) The holder of a driving licence issued under the repealed Ordinance or of a licence issued before the commencement of this Part, who wishes to replace that licence must apply for the replacement from the date determined by the Minister under section 40(2) of the Act..

- (2) An application in terms of subregulation (1) must be made on the approved form, and must -
 - (a) contain the result of the visual acuity and visual field test carried out in accordance with regulation 112; and
 - (b) be accompanied by -
 - (i) acceptable identification of the holder;
 - (ii) the appropriate fee prescribed in Schedule 1;
 - (iii) the photographs, documents and licence referred to in regulation 118(1); and
 - (iv) any public driving permit held by him or her, if applicable.
- (3) An applicant for the replacement of a driving licence is not required to subject himself or herself to examination and testing as contemplated in regulation 117.
- (4) If the driving examiner or any other person authorised thereto by the driving examiner is satisfied that the application complies with subregulation (2), the driving examiner or person must, in addition to the provisions of regulation 118(2) -
 - (a) if the licence to be replaced was issued in terms of the repealed Ordinance or the repealed Schedule 4 to these Regulations -
 - (i) cancel the licence by endorsing it with the word “cancelled”;

- (ii) retain the licence and attach it to the form referred to in subregulation (2); and
 - (iii) if the applicant requires to retain proof of the licence, stamp and sign a copy thereof and hand it to the applicant;
- (b) if the licence to be replaced is contained in a South African identity document issued before 21 March 1990 -
- (i) make a copy of that licence and the identification of the applicant and attach it to the application referred to in subregulation (2);
 - (ii) endorse that licence, or any other appropriate place in the identity document, with the words "REPLACED"; and
 - (iii) return the identity document to the applicant;
- (c) if a public driving permit is submitted by the applicant in terms of subregulation (2)(b)(iv) -
- (i) retain the public driving permit and attach it to the application referred to in subregulation (2); and
 - (ii) if the applicant requires to retain proof of the public driving permit, stamp and sign a copy thereof and hand it to the applicant;

(5) Regulation 118 applies, with the changes required by the context, to the replacement of a driving licence or permit contemplated in this regulation."

Amendment of regulation 127 of the Regulations

16. Regulation 127 of the Regulations is amended -

(a) by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to subregulation (3), the holder of a driving licence -

- (a) of the code C1, C, C1E and CE;
- (b) of any code, if the vehicle to which it relates is used to convey passengers for reward;
- (c) of any code, if the vehicle to which it relates is used to convey dangerous goods and if the Standard Specifications referred to in regulation 304 apply to that vehicle; or
- (d) of any code, if the vehicle to which it relates is a breakdown vehicle,

may not drive the vehicle authorised by the driving licence code or a breakdown vehicle, convey dangerous goods or convey passengers for reward, unless that driving licence is endorsed with a professional authorisation of the category referred to in subregulation (2).";

(b) by the substitution for subregulation (2) of the following subregulation:

"(2) The categories of professional authorisation are:

- (a) "P", which authorises the conveyance of passengers only;

- (b) "G", which authorises the conveyance of goods only; and
 - (c) "D", which authorises the conveyance of dangerous goods and goods; and
- (c) by the insertion of the following subregulation after subregulation (4):

"(5) Subject to regulation 129, a driving licence referred to in subregulation (1) may be endorsed in any combination of the categories referred to in subregulation (2)."

Amendment of regulation 128 of the Regulations

17. The following regulation is substituted for regulation 128 of the Regulations:

"Application for and renewal of professional authorisation

128. (1) An applicant for, or the holder of, a driving licence of a code referred to in regulation 127(1), may apply for a professional authorisation -

- (a) concurrently with the application for the driving licence concerned as contemplated in regulation 116; or
- (b) whenever it becomes necessary for the holder of a driving licence to drive a vehicle of the class referred to in regulation 127(1) on a public road.

(2) An application for a professional authorisation in terms of subregulation (1), must, in addition to the requirements of regulation 116, be accompanied by -

- (a) a medical certificate issued on the approved form not more than two months before the date on which application is made;
- (b) if applicable, a public driving permit held by the applicant;
- (c) an indication of the category or categories of professional authorisation that is being applied for;
- (d) the appropriate fee prescribed in Schedule 1;
- (e) proof of completion of an approved training course if application is made for a category "D" professional authorisation;
- (f) a statement obtained from the Namibian Police declaring whether the record of offences of the applicant shows that the applicant has been convicted of any offence referred to in regulation 129(1)(e);
- (g) in the case of an application contemplated in subregulation (1)(b), the driving licence card of the applicant for the professional authorisation.

(3) The driving examiner or a person authorised thereto by him or her must -

- (a) if the applicant for a driving licence applies for both a driving licence and professional authorisation simultaneously, comply with the provisions of regulation 118;

- (b) if the holder of a driving licence applies for a professional authorisation as contemplated in subregulation (1)(b), verify that the driving licence held by the applicant is not suspended or cancelled and the provisions of regulation 118 apply with the changes required by the context;
 - (c) record the application for the professional authorisation on the register of licences referred to in regulation 366(2)(a)(iii).
- (4) The provisions of regulation 118 and 119 regarding the issuing of a driving licence apply with the necessary amendments to an application for the endorsement of a professional authorisation on a driving licence.
- (5) Notwithstanding the period of validity of a driving licence that contains an endorsement of a professional authorisation contemplated in this regulation, the holder of that driving licence must, at least six weeks before the period of validity of the professional authorisation expires, apply to a driving testing centre for the renewal of that professional authorisation in accordance with this regulation.
- (6) From the date of expiry of the professional authorisation referred to in subregulation (5) until the date on which the renewal of the professional authorisation is authorised in terms of regulation 118, the holder of the driving licence concerned may not drive a motor vehicle of a class referred to in regulation 127 on a public road.
- (7) Despite subregulation (2)(e), an applicant for a professional authorisation may, until a date determined by the Minister by notice in the *Gazette*, submit a letter by his or her employer certifying that he or she has been sufficiently trained in the conveyance of dangerous goods by the employer.
- (8) If the driver concerned leaves the employ of the employer referred to in subregulation (7) and is employed by another employer to convey dangerous goods of a nature that he or she has not been trained to convey, his or her professional authorisation expires on the last day of his or her employment at the employer referred to in subregulation (7)."

Amendment of regulation 129 of the Regulations

18. Regulation 129 of the Regulations is amended by the deletion in paragraph (d) of subregulation (1) of the words "who is not the applicant's family doctor".

Substitution of regulation 132 of the Regulations

19. Regulation 132 of the Regulations is amended -

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) A licence inspector or traffic officer who becomes aware of circumstances in relation to a person whose driving licence is endorsed with a professional authorisation in terms of regulation 127, which would have disqualified that person from obtaining that endorsement, must -

- (a) impound the driving licence to which the endorsement relates in terms of section 13(1)(h) or 14(1)(j) of the Act, as the case may be;
- (b) issue a receipt for the impounded driving licence in terms of section 13(2) or 14(2)(a) of the Act, as the case may be;
- (c) notify the Minister in writing of the impoundment and the reasons therefor, and the driving licence impounded must accompany the notification;

- (b) by the insertion of the following subregulations after subregulation (1):

“(1A) On receipt of the notification referred to in subregulation (1)(c), the Minister must in writing request the holder of the impounded licence to submit to the Minister in writing, within 14 days from date of receipt of the request, any reasons why, in the opinion of the holder of the driving licence, the professional authorisation on the driving licence should not be suspended or cancelled.

(1B) Upon consideration of any representations submitted pursuant to subregulation (1A), the Minister may on the facts before him or her -

- (a) cancel the endorsement for the professional authorisation;
- (b) suspend the professional authorisation for the period and on the conditions that the Minister considers necessary; or
- (c) return the impounded driving licence to the holder thereof.”;

- (c) by the substitution for subregulation (2) of the following subregulation:

“(2) If the Minister cancels an endorsement or suspends a professional authorisation under subregulation (1), the Minister must give notice thereof to -

- (a) the holder of the driving licence; and
- (b) the driving testing centre where record of that driving licence is kept.”;

- (d) by the substitution for subregulation (3) of the following subregulation:

“(3) On receipt of a notification in terms of subregulation (2), the driving testing centre must -

- (a) record the cancellation or suspension, as the case may be, in the register of licences referred to in regulation 366(2)(a)(iii);
- (b) issue to the person concerned a driving licence of a code authorised by the Minister.”; and

- (e) by the substitution for subregulation (4) of the following subregulation:

“(4) On expiry of the suspension referred to in subregulation (1), the holder of the suspended driving licence referred to in that subregulation may apply for a new driving licence, with or without an endorsement for a professional authorisation to a driving testing centre.”.

Insertion of regulation 135A

20. The following regulation is inserted after regulation 135:

“Procedure for reinstatement of licence

135A (1) Upon the cancellation or suspension of a driving licence in terms of section 42 of the Act, the Minister or the licence inspector authorised thereto by the Minister, must forthwith notify the authority where record of that licence is kept of the cancellation or suspension.

(2) The authority concerned must record cancellation or suspension notified in terms of subregulation (1) in the register of licences referred to in regulation 366(2)(a)(iii).

(3) If a suspended driving licence is reinstated by the Minister under section 42(10) of the Act, the Minister must -

- (a) give notice of that decision in writing to -
 - (i) the authority concerned;
 - (ii) the holder of the suspended licence; and
- (b) send the suspended driving licence submitted by the holder in terms of section 42(9) to that authority.

(4) If, upon reinstatement of a suspended driving licence referred to in subregulation (3), the period of validity of that licence has not yet expired -

- (a) the holder of that licence must submit to the authority concerned acceptable identification of himself or herself in order to obtain the return of the driving licence; and
- (b) the authority concerned, upon receipt of acceptable identification of the holder of the driving licence in terms of paragraph (a), must -
 - (i) return the driving licence to that person;
 - (ii) obtain from him or her an acknowledgement of receipt of the driving licence on the approved form; and
 - (iii) record the return of the driving licence in the register of licences referred to in regulation 366(2)(a)(iii).

(5) If upon reinstatement of a suspended driving licence the period of validity of the licence has expired, the holder thereof must renew that driving licence in accordance with the provisions of these regulations.”

Amendment of regulation 136 of the Regulations

21. Regulation 136 of the Regulations is amended by the substitution for the expression “113(1)(c)” of the expression “115(4)”.

Amendment of regulation 137 of the Regulations

22. Regulation 137 is amended by the substitution for the expression “115” of the expression “116”.

Amendment of regulation 373 of the Regulations

23. Regulation 373 of the Regulations is amended by the addition to subregulation (1) of the following paragraph:

- “(c) in the case of a natural person being a Namibian citizen or who holds a permanent residence permit issued under the Immigration Control Act, 1993 (Act No. 7 of 1993) who is not in possession of an identity document issued or deemed to have been issued under Identification Act, 1996 (Act No. 21 of 1996) -
 - (i) a birth certificate;
 - (ii) a proof of registration issued under section 6 of the Identification Act, 1996 or a passport or other travel document prescribed under section 10(1)(b) of that Act.”

Insertion of Regulation 383

24. The following regulation is inserted in the Regulations after regulation 382:

“Period of validity of driving licence for transitional period

383. (1) For a period of three years after the date commencement of this regulation, a driving licence may, despite regulation 111, be issued for a period of less than five years, depending on the date on which the driving licence was ordered from the card producing facility, but the period of validity may not be less than three years.

(2) If a driving licence is issued for less than five years in terms of subregulation (1), the fee payable in terms of Schedule 1 for the issue of a driving licence card must be adjusted proportionally.”

Insertion of Regulation 383A

25. The following regulation is inserted in the Regulations after regulation 383:

“Transitional provision in relation to public driving permit

383A. Notwithstanding the repeal of items 13 to 21 of Schedule 5 and the commencement of regulation 127 of the Regulations, a person who was not obliged in terms of those items to obtain a public driving permit and who holds a licence of a code which, in terms of regulation 127, is required to be endorsed in accordance with the provisions of that regulation, is, until the date applicable to him or her in terms of the notice issued by the Minister in terms of section 40(1) of the Act, deemed to comply with regulation 127.”

Amendment of Schedule 1 to the Regulations

26. Schedule 1 to the Regulations is amended by -

- (a) the substitution in item 8 for the amount “N\$25” of the amount “N\$30”;
- (b) the substitution in item 9 for the amount “N\$20” of the amount “N\$25”;
- (c) the deletion of item 10;
- (d) the substitution for items 11, 12, 13 and 14 of the following items:

Item No.	Transaction	Fee-N\$	Empowering provision
“11	Application for a driving licence of code A1, A, B or BE	100.00	Reg. 116, 118, 120, 121, 123, 124, 126 and 132
12	Application for a driving licence of code C1, C, C1E or CE	100.00	Reg. 116, 118, 120, 121, 123, 124, 126 and 132
13	Application for professional authorisation	30.00	Reg. 128
14	Issue of driving licence card of any code	150.00	Reg. 118”

- (f) by the substitution in item 15 for the amount “N\$25” of the amount “N\$150”;
- (g) by the substitution in item 22 for the amount “N\$75” of the amount “N\$90”;
and
- (h) by the substitution in item 23 for the amount “N\$20” of the amount “N\$30”.

Repeal of Schedule 4 to the Regulations

27. Schedule 4 to the Regulations is repealed.

Amendment of Schedule 5 to the Regulations

28. Schedule 5 to the Regulations is amended -

(a) by the substitution for item 12 of the following item:

“Definition for this Schedule

12. For the purposes of this Schedule “public vehicle” means any vehicle operated for reward.”; and

(b) by the deletion of items 13 to 21, both inclusive.

ANNEXURE 1*(regulation 3(d))***“TABLE 1**

PREVIOUS CODE	NEW CODE
Code 01, 02, 03, or 04, or a code 12 for the aforementioned codes. [Section 58(1)(a) to (d)]	Code 1
Code 05, 06, 07, 08 or 09 or a code 12 for the aforementioned codes. [Section 58(1)(e) to (h)]	Code 2
Code 10 or 11 or a code 12 for the aforementioned codes. [Section 58(1)(i) to (l)]	Code 3”

ANNEXURE 2*(regulation 3(e))***“TABLE 2**

CODE	CLASS OF MOTOR VEHICLE	AUTHORISATION
(a) A1	A motor cycle with an engine cylinder capacity not exceeding 125 cubic centimetres, or propelled by electrical power, but excluding - (i) a pedestrian-controlled vehicle propelled by electrical power derived from storage batteries; or (ii) a vehicle with a tare not exceeding 230 kg specially designed and constructed, and not merely adapted, for use by a person suffering from a physical defect or disability or a person of old age and used solely by that person.	Code A1
(b) A	A motor cycle with an engine cylinder capacity exceeding 125 cubic centimetres.	Codes A and A1
(c) B	A motor vehicle, being- (i) a motor car, the tare of which does not exceed 3 500 kg; or (ii) a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kg, but excluding an articulated motor vehicle.	Code B, a tractor or other motor vehicle being mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, with or without a trailer

(d) BE	<p>A motor vehicle, excluding a tractor, being -</p> <p>(i) an articulated motor vehicle, of which the gross combination mass of the truck-tractor does not exceed 3 500 kg;</p> <p>(ii) a combination of -</p> <p>(aa) a motor car the tare of which does not exceed 3500 kg; or</p> <p>(bb) a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3500 kg,</p> <p>with a trailer, the gross vehicle mass of which exceeds 750 kilograms.</p>	Codes B and BE
(e) C1	<p>A motor vehicle, being -</p> <p>(i) a motor car, the tare of which exceeds 3 500 kg but not 16 000 kg;</p> <p>(ii) a minibus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but not 16 000 kg,</p> <p>without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kg, but excluding an articulated motor vehicle.</p>	Codes C1 and B
(f) C	<p>A motor vehicle, being a bus or a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kilograms, but excluding an articulated motor vehicle.</p>	Codes B, C and C1
(g) C1E	<p>A motor vehicle, excluding a tractor, being -</p> <p>(i) an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 3 500 kg but not 16 000 kg;</p> <p>(ii) a combination of a motor vehicle and trailer, the gross vehicle mass of the trailer of which exceeds 750 kg, but the gross combination mass of the drawing vehicle of which does not exceed 16 000 kg.</p>	Codes B, C1, BE and C1E
(h) CE	<p>A motor vehicle being -</p> <p>(i) an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 16 000 kg;</p> <p>(ii) a combination of a bus or goods vehicle, the gross combination mass of which exceeds 16 000 kg,</p> <p>with a trailer the gross vehicle mass which exceeds 750 kg.</p>	Codes B, C1, C, BE, C1E and CE”

ANNEXURE 3
(regulation 3)
"TABLE 3"

CODE	LICENCE ISSUED ON OR AFTER 01/07/1972 UNDER SECTION 58 OF REPEALED ORDINANCE	LICENCE ISSUED UP TO 30/06/1972
(a) A1	Motor cycle without sidecar with an engine cylinder capacity not exceeding 50 cubic centimetres or propelled by electrical power and generally known as "code 1", and a code 12 licence pertaining to such cycle. [Sec 58(1)(a)]	Motor cycle (not exceeding 125 cm ³)
(b) A	<p>(i) Motor cycle with sidecar and generally known as "code 3" and a motor tricycle generally known as "code 4", and a code 12 licence pertaining to such cycle [Sec 58(1)(b)];</p> <p>(ii) A licence of any code authorising the driving of a motor quadrucycle; and</p> <p>(iii) Motor cycle without sidecar with an engine cylinder capacity exceeding 50 cubic centimetres or propelled by electrical power and generally known as "code 2", and a code 12 licence pertaining to such cycle.</p>	Motor cycle (exceeding 125 cm ³) motor cycle with side-car, motor tricycle
(c) B	Tractor, motor vehicle propelled by electrical power, agricultural or industrial equipment or machinery, generally known as "codes 5, 6 and 7", and a code 12 licence pertaining to such vehicles [Sec 58(1)(e), (f) and (g)].	Tractor, motor vehicle propelled by electrical power, motor vehicle propelled by steam power
(d) BE	<p>(i) Motor vehicle of which the tare does not exceed 3 500 kg; or</p> <p>(ii) bus or goods vehicle of which the gross vehicle mass does not exceed 3 500 kg,</p> <p>both generally known as "code 8", and a code 12 licence pertaining to such vehicles [Sec 58(1)(h)].</p>	Light motor vehicle with a tare or gross vehicle mass not exceeding 700 lb
(e) C1	-	-
(f)	-	-
(g) C1E	<p>(i) Motor vehicle of which the tare exceeds 3 500 kg but not 9 000 kg;</p> <p>(ii) bus or goods vehicle of which the gross vehicle mass exceeds 3 500 kg but not 9 000 kg,</p> <p>both generally known as "code 9" [Sec 58(1)(i); and</p> <p>(iii) motor vehicle of which the tare exceeds 9 000 kg but not 16 000 kg; or</p> <p>(iv) bus or goods vehicle of which the gross vehicle mass exceeds 9 000 kg but not 16 000 kg,</p> <p>both generally known as "code 10" and a code 12 licence pertaining to such vehicles [Sec 58(1)(j)].</p>	-

(h) CE	(i) Motor vehicle the tare of which exceeds 16 000 kg; or (ii) bus or goods vehicle, the gross vehicle mass of which exceeds 16 000 kg, generally known as "code 11" and a code 12 licence pertaining to such vehicles [Sec 58(1)(k)].	Heavy motor vehicle with tare or gross vehicle mass exceeding 7 700 lb."
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