



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1824. 9 September 1981.

No. 1824. 9 September 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 59 van 1981: Wysigingswet op Nasionale Verkeersveiligheid, 1981.

No. 59 of 1981: National Road Safety Amendment Act, 1981.

Act No. 59, 1981

NATIONAL ROAD SAFETY AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the National Road Safety Act, 1972, so as to substitute certain obsolete designations; to provide that persons in the service of the Council shall become members of the public service; to charge the Director-General: Transport with the designation of staff to assist the Council in the performance of its functions; to charge the Department of Transport with the executive and administrative work arising out of the performance by the Council of its functions; to make further provision as to the delegation or assignment of its powers or functions by the Council; to abolish the levy on motor vehicles registered outside the Republic; and to effect certain textual improvements; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 18 August 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 9 of 1972.

1. Section 1 of the National Road Safety Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the deletion of the definition of "Director";
 - (b) by the insertion before the definition of "fixed date" of the following definition:
"Director-General" means the Director-General: Transport"; and
 - (c) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of Transport Affairs".

Amendment of section 3 of Act 9 of 1972, as amended by section 1 of Act 46 of 1974.

2. Section 3 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- "(c) three shall be the **[Secretary for Transport]** Director-General: Transport, the **[Secretary for Justice]** Director-General: Justice and the Commissioner of the South African Police, respectively, or the alternates of **[such]** those persons each of whom has been designated by **[such]** the person concerned".

Substitution of section 4 of Act 9 of 1972.

3. The following section is hereby substituted for section 4 of the principal Act:

"Staff of Council, and performance of executive and administrative work.

4. (1) The Director-General shall designate so many officers and employees of the Department of Transport as may be necessary, to assist the Council in the performance of its functions, and all such officers and employees shall remain under the

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Nasionale Verkeersveiligheid, 1972, ten einde sekere verouderde benamings te vervang; te bepaal dat persone in diens van die Raad lede van die Staatsdiens word; die Direkteur-generaal: Vervoer te belas met die aanwysing van personeel om die Raad by die verrigting van sy werksaamhede by te staan; die Departement van Vervoer te belas met die uitvoerende en administratiewe werk wat voortspruit uit die verrigting deur die Raad van sy werksaamhede; verdere voorsiening te maak aangaande die delegering of oordrag van sy bevoegdhede of pligte deur die Raad; die heffing op motorvoertuie wat buite die Republiek geregistreer is, af te skaf; en sekere teksverbeterings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Augustus 1981.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Nasionale Verkeersveiligheid, 1972 (hieronder die Hoofwet genoem), word hierby gewysig—
- 5 (a) deur die omskrywing van „Direkteur” te skrap;
- (b) deur voor die omskrywing van „Fonds” die volgende omskrywing in te voeg:
- „Direkteur-generaal” die Direkteur-generaal: Vervoer;” en
- 10 (c) deur die omskrywing van „Minister” deur die volgende omskrywing te vervang:
- „Minister” die Minister van **[Vervoer]** Vervoerwese;”.
2. Artikel 3 van die Hoofwet word hierby gewysig deur
- 15 paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
- „(c) drie onderskeidelik die **[Sekretaris van Vervoer]** Direkteur-generaal: Vervoer, die **[Sekretaris van Justisie]** Direkteur-generaal: Justisie en die Kommissaris van die Suid-Afrikaanse Polisie is, of die plaasvervangers is van dié persone wat elk deur **[so 'n]** die betrokke persoon aangewys is.”
- 20
3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:
- 25 „Personeel van Raad, en verrigting van uitvoerende en administratiewe werk.
4. (1) Die Direkteur-generaal wys soveel beamp-tes en werknemers van die Departement van Vervoer aan as wat nodig is, om die Raad by die verrigting van sy werksaamhede by te staan, en al sodanige beamp-tes en werknemers bly onder die
- Wysiging van artikel 1 van Wet 9 van 1972.
- Wysiging van artikel 3 van Wet 9 van 1972, soos gewysig deur artikel 1 van Wet 46 van 1974.
- Vervanging van artikel 4 van Wet 9 van 1972.

Act No. 59, 1981

NATIONAL ROAD SAFETY AMENDMENT ACT, 1981

control of the Director-General while so assisting the Council.

(2) All executive and administrative work arising out of the performance of its functions by the Council, shall be undertaken by the Department of Transport.”

Amendment of section 7 of Act 9 of 1972, as amended by section 2 of Act 46 of 1974.

4. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) [appoint as officers and employees of the Council persons who, in the opinion of the Council, command appropriate training and experience, and confer or impose any of its powers or duties upon such officers and employees: Provided that the powers and duties contained in paragraphs (b), (c), (d) and (f) shall only be exercised in pursuance of a resolution of the Council or with the written authority of the Director, which shall be reported to the next meeting of the Council] delegate or assign to any officer or employee of the Department of Transport contemplated in section 4 (1) any power or duty conferred or imposed upon it by or under this Act: Provided that the Council shall not be divested of any power or duty so delegated or assigned and may amend or withdraw any decision made by such an officer or employee in the exercise or performance of any power or duty so delegated or assigned;”

Substitution of section 13 of Act 9 of 1972.

5. The following section is hereby substituted for section 13 of the principal Act:

“Remuneration and allowances of members of Council and Managing Committee.

13. (1) The Council shall pay the remuneration and allowances of the members of the Council and the Managing Committee [and of the Director], save the remuneration of any such person who is a member of the public service.

(2) [(a)] A member of the Council or the Managing Committee who is a member of the public service [or the Director, if he is such a member] shall not be paid, in respect of services rendered by him, any remuneration in addition to his salary as a member of the public service, and such a person who is a member of the public service shall not be paid an allowance in respect of subsistence and travelling expenses at a rate higher than that applicable to him as a member of the public service.

[(b) If the Minister, after consultation with the Minister of Finance, is of opinion that such a member devotes the whole or a substantial portion of his time to his functions as a member of the Council or the Managing Committee or as Director, the Minister may, after such consultation, direct the Council to refund to the State the remuneration paid to such person as a member of the public service, or so much thereof as the Minister may after such consultation determine.]”

Amendment of section 15 of Act 9 of 1972.

6. Section 15 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the expression “subsection (3)” of the expression “subsections (3) and (5)”; and

(b) by the addition of the following subsection:

“(5) There shall be paid from the Fund into the State Revenue Fund, at such times as may be determined by the Minister with the concurrence of the Minister of Finance, such amounts as may be so determined as recoverable amounts in respect of—

WYSIGINGSWET OP NASIONALE VERKEERSVEILIGHEID,
1981

Wet No. 59, 1981

beheer van die Direkteur-generaal terwyl hulle die Raad aldus bystaan.

(2) Alle uitvoerende en administratiewe werk wat voortspruit uit die verrigting deur die Raad van sy werksaamhede, word deur die Departement van Vervoer onderneem."

4. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

10 „(a) **[persone wat, na die oordeel van die Raad, oor toepaslike opleiding en ervaring beskik, as beamptes en werknemers van die Raad aanstel, en van sy bevoegd-**
 15 **hede of pligte aan sodanige beamptes en werknemers verleen of oplê: Met dien verstande dat die bevoegdhede en pligte in paragrawe (b), (c), (d) en (f) vervat slegs uitgeoefen word ingevolge 'n besluit van die Raad of met die skriftelike magtiging van die Direkteur, waarvan aan die volgende vergadering van die Raad verslag gedoen word]** 'n bevoegdheid of plig deur of kragtens hierdie Wet aan hom verleen of opgedra, aan 'n beampte of werknemer van die Departement van Vervoer beoog in artikel 4 (1) delegeer of oordra: Met dien verstande dat die Raad nie ontdoen is van 'n bevoegdheid of plig wat aldus gedelegeer of oorgedra is nie en 'n besluit deur so 'n beampte of werknemer geneem by die uitoefening of verrigting van 'n bevoegdheid of plig wat aldus gedelegeer of oorgedra is, kan wysig of intrek;”

Wysiging van artikel 7 van Wet 9 van 1972, soos gewysig deur artikel 2 van Wet 46 van 1974.

5. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

30 „Besoldiging en toelaes van lede van Raad en Bestuurskomitee.
 35 **13. (1) Die Raad betaal die besoldiging en toelaes van die lede van die Raad en die Bestuurskomitee [en van die Direkteur], uitgesonderd die besoldiging van so iemand wat 'n lid van die Staatsdiens is.**
 40 **(2) [(a)] Aan 'n lid van die Raad of die Bestuurskomitee wat 'n lid van die Staatsdiens is, [of aan die Direkteur, indien hy so 'n lid is] mag daar nie ten opsigte van dienste deur hom verrig, besoldiging betaal word bo en behalwe sy salaris as lid van die Staatsdiens nie, en daar mag ook nie aan so iemand wat 'n lid van die Staatsdiens is, 'n toelae ten opsigte van verblyf- en reiskoste betaal word teen 'n hoër skaal as dié wat op hom as lid van die Staatsdiens van toepassing is nie.**
 45 **[(b) Indien die Minister na oorleg met die Minister van Finansies van oordeel is dat so 'n lid al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede as 'n lid van die Raad of die Bestuurskomitee of as Direkteur bestee, kan die Minister, na sodanige oorleg, gelas dat die Raad die besoldiging wat aan so iemand as 'n lid van die Staatsdiens betaal word, of soveel daarvan as wat die Minister na sodanige oorleg bepaal, aan die Staat vergoed.]”**

Vervanging van artikel 13 van Wet 9 van 1972.

55 6. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die uitdrukking „subartikel (3)” deur die uitdrukking „subartikels (3) en (5)” te vervang; en

60 (b) deur die volgende subartikel by te voeg:
 „(5) Daar word op die tye wat deur die Minister met die instemming van die Minister van Finansies bepaal word, die bedrae uit die Fonds in die Staatsinkomstefonds gestort wat aldus bepaal word as verhaalbare bedrae ten opsigte van—

Wysiging van artikel 15 van Wet 9 van 1972.

Act No. 59, 1981

NATIONAL ROAD SAFETY AMENDMENT ACT, 1981

- (a) remuneration paid by the State to a member of the public service in that capacity who is a member of the Council or the Managing Committee and, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity; 5
- (b) contributions paid by the State to a pension or provident fund in respect of a member of the public service in that capacity who is a member of the Council and, in the opinion of the Minister, devotes the whole or a substantial portion of his time to his functions in the latter capacity; and 10
- (c) expenditure of State money occasioned by the application of the provisions of section 4." 10

Substitution of section 17 of Act 9 of 1972.

7. The following section is hereby substituted for section 17 of the principal Act: 15

"Persons in service of Council become members of public service.

17. (1) As from the date of commencement of the National Road Safety Amendment Act, 1981, the service, with the Council, of every person who is on that date in the service of the Council, but excluding that of part-time advisers to the Council, shall terminate, and he shall become a member of the public service and subject to the laws governing the public service. 20

(2) Save in pursuance of disciplinary measures applied under the laws governing the public service, the salary or wage and the salary or wage scale at or in accordance with which any person who so becomes a member of the public service was remunerated immediately prior to his becoming such a member, shall not be reduced without his consent." 25 30

Repeal of sections 18, 19, 20 and 22 of Act 9 of 1972.

8. Sections 18, 19, 20 and 22 of the principal Act are hereby repealed.

Amendment of section 25 of Act 9 of 1972, as amended by section 1 of Act 16 of 1980.

9. Section 25 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 35

"(a) which in terms of section 2 (1) of the said Act may not be driven on a public road unless it has in terms of section 12, 13 or 14 of the said Act been insured or has in terms of section 29 thereof been exempted from the provisions of the said section 2 (1) [or which is referred to in section 2 (2) (b) of the said Act]; or" 40

Amendment of section 27 of Act 9 of 1972.

10. Section 27 of the principal Act is hereby amended by the deletion of subsection (2).

Short title and commencement.

11. This Act shall be called the National Road Safety Amendment Act, 1981, and shall come into operation on 1 October 1981. 45

WYSIGINGSWET OP NASIONALE VERKEERSVEILIGHEID,
1981

Wet No. 59, 1981

- 5 (a) besoldiging wat die Staat betaal aan 'n lid van die Staatsdiens in daardie hoedanigheid wat 'n lid van die Raad of die Bestuurskomitee is en, na die oordeel van die Minister, al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede in laasgenoemde hoedanigheid bestee;
- 10 (b) bydraes wat die Staat betaal aan 'n pensioen- of voorsorgfonds ten opsigte van 'n lid van die Staatsdiens in daardie hoedanigheid wat 'n lid van die Raad is en, na die oordeel van die Minister, al sy tyd of 'n aansienlike deel van sy tyd aan sy werksaamhede in laasgenoemde hoedanigheid bestee; en
- 15 (c) uitgawe aan Staatsgeld wat die toepassing van die bepalings van artikel 4 meebring."

7. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 17 van Wet 9 van 1972.

- 20 „Persone in diens van Raad word lede van Staatsdiens.
- 25 17. (1) Vanaf die datum van inwerkingtreding van die Wysigingswet op Nasionale Verkeersveiligheid, 1981, eindig die diens, by die Raad, van elke persoon wat op daardie datum in diens van die Raad is, maar uitgesonderd dié van 'n deelydse adviseur van die Raad, en word hy 'n lid van die Staatsdiens en onderworpe aan die wette op die Staatsdiens.
- 30 (2) Behalwe ingevolge tugmaatreëls toegepas kragtens die wette op die Staatsdiens word die salaris of loon en salaris- of loonskaal waarteen of waarvolgens 'n persoon wat aldus 'n lid van die Staatsdiens word, besoldig was onmiddellik voor hy so 'n lid geword het, nie sonder sy toestemming verminder nie."

8. Artikels 18, 19, 20 en 22 van die Hoofwet word hierby herroep.

Herroeping van artikels 18, 19, 20 en 22 van Wet 9 van 1972.

35 9. Artikel 25 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 25 van Wet 9 van 1972, soos gewysig deur artikel 1 van Wet 16 van 1980.

- 40 „(a) wat ingevolge artikel 2 (1) van dié Wet nie op 'n openbare pad bestuur mag word nie tensy dit ingevolge artikel 12, 13 of 14 van genoemde Wet verseker is of ingevolge artikel 29 daarvan van die bepalings van genoemde artikel 2 (1) vrygestel is [of wat in artikel 2 (2) (b) van genoemde Wet bedoel word]; of”.

10. Artikel 27 van die Hoofwet word hierby gewysig deur subartikel (2) te skrap.

Wysiging van artikel 27 van Wet 9 van 1972.

45 11. Hierdie Wet heet die Wysigingswet op Nasionale Verkeersveiligheid, 1981, en tree in werking op 1 Oktober 1981.

Kort titel en inwerkingtreding.