



Republic of Namibia
Annotated Statutes

National Road Safety Act 9 of 1972 (RSA)

(RSA GG 3415)

brought into force in South Africa and South West Africa
on 15 March 1972 by RSA Proc. R.64/1972 (RSA GG 3416)
(see section 29 of Act)

APPLICABILITY TO SOUTH WEST AFRICA: Section 1 defines “Republic” to include “any territory in respect of which Parliament is competent to legislate”. Section 29 states “This Act and any amendment thereof shall also apply in every territory in respect of which Parliament is competent to legislate.”

TRANSFER TO SOUTH WEST AFRICA: The relevant transfer proclamation is the Executive Powers (Transport) Transfer Proclamation, AG 14 of 1978, dated 15 March 1978. However, this Act is excluded from the operation of section 3(1) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, by section 3(1)(f) of the transfer proclamation, meaning that the administration of the Act was not transferred to South West Africa.

as amended by

National Road Safety Amendment Act 46 of 1974 (RSA) (RSA GG 4435)

brought into force on 1 February 1975 by RSA Proc. 25/1975 (RSA GG 4573)

General Law Amendment Act 57 of 1975 (RSA) (RSA GG 4760)

came into force in relevant part on date of publication: 20 June 1975

National Road Safety Amendment Act 40 of 1976 (RSA) (RSA GG 5067)

brought into force on 1 December 1976 by RSA Proc. 240/1976 (RSA GG 5331)

National Road Safety Amendment Act 16 of 1980 (RSA) (RSA GG 6925)

came into force on 1 May 1980 (section 2 of Act 16 of 1980)

National Road Safety Amendment Act 59 of 1981 (RSA) (RSA GG 7765)

came into force on 1 October 1981 (section 11 of Act 59 of 1981)

Motor Vehicle Accidents Act 84 of 1986 (RSA) (RSA GG 10419)

deemed to have come into operation on 1 May 1986 (section 21 of Act 84 of 1986)

Multilateral Motor Vehicle Accidents Fund

Act 93 of 1989 (RSA) (RSA GG 11944)

deemed to have come into operation on 1 May 1989 (section 8 of Act 93 of 1989)

Section 2(1) of Act 93 of 1989 applied the “Agreement establishing a Multilateral Motor Vehicle Accidents Fund, concluded on 14 February 1989 between the Republic of South Africa and the Republics of Transkei, Bophuthatswana, Venda and Ciskei”, which is set out in the Schedule to that Act, to “the territory of South West Africa, including the Eastern Caprivi Zipfel”, as if it were an Act of Parliament of the Republic of South Africa. Act 93 of 1989 was repealed by the Motor Vehicle Accidents Act 30 of 1990 (GG 132), which was replaced by the Motor Vehicle Accidents Fund Act 4 of 2001 (GG 2547) and then by the Motor Vehicle Accident Fund Act 10 of 2007 (GG 3970).

National Road Safety Act 9 of 1972 (RSA)

To promote road safety; for that purpose to establish a national road safety council and a central road safety fund; to repeal the South African Road Safety Council Act, 1960; and to provide for matters connected therewith.

*(English text signed by the State President)
(Assented to 9th March, 1972)*

ARRANGEMENT OF SECTIONS

1. Definitions
2. Establishment of National Road Safety Council
3. Constitution of Council
4. Staff of Council, and performance of executive and administrative work
5. Object of Council
6. Functions of Council
[The heading should be "Functions of Council".]
7. Powers of Council
8. Meetings of Council
9. Establishment and constitution of Managing Committee
10. Powers of Managing Committee
11. Meetings of Managing Committee
12. Validity of acts and decisions of Council and Managing Committee
13. Remuneration and allowances of members of Council and Managing Committee
14. Passing of assets, rights, liabilities and obligations from Road Safety Council to the Council
15. Establishment and control of Central Road Safety Fund
16. Keeping of records, preparation of statement of accounts and balance sheet, and audit
17. Persons in service of Council become members of public service
18. [deleted]
19. [deleted]
20. [deleted]
21. Insurance against patrimonial damage or loss or claims
22. [deleted]
23. Reports by Council
24. Powers of Minister in regard to recommendations of Council
25. Payment to Council
26. Certain legislation relating to road safety
27. Regulations
28. Repeal of Act 1 of 1960, Act 53 of 1965 and Act 47 of 1966
29. Where Act applicable
30. Short title and commencement

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

Definitions

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

“Council” means the National Road Safety Council established by section 2;

[definition of “director” deleted by Act 59 of 1981]

National Road Safety Act 9 of 1972 (RSA)

“Director-General” means the Director-General: Transport;

[definition of “Director-General” inserted by Act 59 of 1981]

“fixed date” means the date of commencement of this Act;

“Fund” means the fund established under section 15;

[definition of “levy” deleted by Act 84 of 1986]

“Managing Committee” means the managing committee established by section 9;

“Minister” means the Minister of Transport Affairs;

[definition of “Minister” amended by Act 59 of 1981]

“National Transport Commission” means the National Transport Commission appointed under section 3 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948);

[The Transport (Co-ordination) Act 44 of 1948 was not applicable to South West Africa.]

“public service” means the public service as defined in section 3 of the Public Service Act, 1957 (Act No. 54 of 1957);

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995.]

“regulation” means a regulation made under this Act;

“Republic” includes any territory in respect of which Parliament is competent to legislate;

“Road Safety Council” means the South African Road Safety Council established by section 2 of the South African Road Safety Council Act, 1960 (Act No. 1 of 1960).

[The South African Road Safety Council Act 1 of 1960 is repealed by this Act.]

Establishment of National Road Safety Council

2. There is hereby established a juristic person under the name The National Road Safety Council.

Constitution of Council

3. (1) The Council shall consist of twelve members of whom -
- (a) four shall be appointed by the Minister of whom -
- (i) one shall be a person who, in the opinion of the Minister, commands special knowledge with regard to road safety on account of training and experience;
- (ii) one shall be a person selected by the Minister from three persons nominated by the United Municipal Executive of South Africa; and

National Road Safety Act 9 of 1972 (RSA)**[subparagraph (ii) substituted by Act 46 of 1974]**

- (iii) one shall be designated by the Minister as chairman and one as deputy chairman;
- (b) five shall be members of the executive committees of the four provinces and the territory of South-West Africa, each designated by the executive committee concerned to serve on the Council, or the alternates of such members each of whom has been designated by such member;

[paragraph (b) substituted by Act 46 of 1974]

- (c) three shall be the Director-General: Transport, the Director-General: Justice and the Commissioner of the South African Police, respectively, or the alternates of those persons each of whom has been designated by the person concerned.

[paragraph (c) substituted by Act 46 of 1974 and amended by Act 59 of 1981]

(2) A member of the Council, other than a member referred to in subsection (1)(b) or (c), shall be appointed for such period (not exceeding five years) and on such conditions as the Minister may determine: Provided that the Minister may, if in his opinion there exist sufficient reasons therefor, terminate the services of any such member at any time before the expiry of his period of office.

[subsection (2) substituted by Act 46 of 1974]

(3) The periods and conditions referred to in subsection (2) may differ in respect of different persons, and such conditions shall be determined in consultation with the Minister of Finance.

(4) If for any reason a vacancy occurs on the Council, the Minister may in accordance with the provisions of subsections (1), (2) and (3) appoint a person to fill the vacancy.

(5) A person whose period of office as a member of the Council has expired, shall be eligible for reappointment.

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 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.

[section 4 substituted by Act 59 of 1981]**Object of Council**

- 5. The object of the Council shall be the promotion of road safety in the Republic.

Functions of Council

[The heading should be "Functions of Council".]

National Road Safety Act 9 of 1972 (RSA)

6. The Council shall -
- (a) prepare a comprehensive research programme to effect road safety, carry it out systematically after consultation with the Council for Scientific and Industrial Research and the National Transport Commission as to the sequence of the carrying out of such programme, and, as part of the carrying out of that programme, assign research projects to persons who, in the opinion of the Council, are best equipped to carry them out;
 - (b) undertake the collection of information in connection with road safety and the making available thereof to authorities and persons concerned and the public generally;
 - (c) give guidance regarding road safety by means of the organizing of congresses, symposiums, summer schools and study weeks, by means of mass-communication media and in any other manner deemed fit by the Council;
 - (d) consult with authorities and persons concerned in a road safety system in order to assist the Minister in the co-ordination and activation of the combating of road accidents;
 - (e) at the request of the Minister enquire into, and report and make recommendations on, any matter falling within the objects of this Act;
 - (f) perform such other tasks falling within the objects of this Act as the Minister may impose upon the Council;
 - (g) make recommendations to the Minister on the carrying out of a resolution passed by the Council but to which no effect is given or for some legal reason no effect can be given.

Powers of Council

7. In order to achieve its object and to perform its functions the Council may -
- (a) 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;

[paragraph (a) substituted by Act 46 of 1974 and by Act 59 of 1981]
 - (b) purchase or sell, or acquire or dispose of in any other manner, or hire or let or hypothecate any movable or immovable property;
 - (c) open accounts with banking institutions and arrange for bank overdrafts;
 - (d) invest with the Public Debt Commissioners or in such other manner as the Minister may direct, any moneys not required for immediate use or as a reasonable working balance;
 - (e) produce or acquire publicity material, including films, for dissemination by itself or any other person;

National Road Safety Act 9 of 1972 (RSA)

- (f) finance research in connection with road safety;
- (g) disseminate information in connection with road safety by means of the press, the radio and television;
- (h) publish a periodical to promote road safety and pay rewards for matter inserted therein;
- (i) obtain the services of advertising institutions for the promotion of road safety;
- (j) assist local authorities which do not have the necessary staff therefor, in the laying out of grounds for the training of learner motor vehicle drivers;
- (k) assist in providing training facilities for motor vehicle drivers in cases where such facilities are not provided by some authority;
- (l) give guidance to associations or bodies of persons having objects similar to those of the Council;
- (m) organize congresses, symposiums, summer schools and study weeks and, if necessary, pay the costs of the preparations therefor, and remunerate persons performing thereat;
- (n) with the approval of the Minister, take any other steps that may be necessary to achieve its object.

Meetings of Council

8. (1) The Council shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine, but not less than four times per year.

(2) The chairman or, if he is absent, the deputy chairman shall preside at all meetings of the Council, and if both the chairman and the deputy chairman are absent from a meeting of the Council, the members present shall elect a person from among themselves to preside at such meeting.

(3) The decision of a majority of the members of the Council present at a meeting of the Council shall constitute a decision of the Council, and in the event of an equality of votes on any matter, the person presiding at the meeting in question shall have a casting vote in addition to his deliberative vote.

Establishment and constitution of Managing Committee

- 9.** (1) There shall be a Managing Committee consisting of -
- (a) the chairman of the Council, who shall also be chairman of the Managing Committee;
 - (b) the deputy chairman of the Council, who shall also be deputy chairman of the Managing Committee; and
 - (c) the member of the Council referred to in section 3(1)(a)(i).

National Road Safety Act 9 of 1972 (RSA)

(2) A member of the Managing Committee shall cease to be a member thereof if he ceases to be a member of the Council.

Powers of Managing Committee

10. During periods between meetings of the Council, and subject to such directions as the Council may give from time to time, the Managing Committee shall perform all the functions, and exercise all the powers, of the Council, but it shall not have the power, save in so far as the Council may otherwise direct, to set aside or vary a decision of the Council.

Meetings of Managing Committee

11. (1) The Managing Committee shall meet at such times and places as the chairman or, if he is absent, the deputy chairman of the Managing Committee may determine.

(2) The chairman or, if he is absent, the deputy chairman of the Managing Committee shall preside at all meetings of the Managing Committee.

(3) The decision of not less than two members of the Managing Committee shall constitute a decision of the Managing Committee.

Validity of acts and decisions of Council and Managing Committee

12. No act or decision of the Council or the Managing Committee shall be invalid by reason only of the fact that a person who was entitled to receive notice of a meeting of the Council or the Managing Committee did not receive such notice, or by reason only of the fact that a person who was disqualified from being a member of the Council or the Managing Committee, or in whose appointment there was some defect, acted as a member of the Council or the Managing Committee, as the case may be, when such act was performed or such decision was taken, whether or not such person's concurrence was necessary for the performance of that act or the taking of that decision.

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, save the remuneration of any such person who is a member of the public service.

(2) A member of the Council or the Managing Committee who is a member of the public service 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.

[section 13 amended by Act 59 of 1981;
not all changes are indicated by amendment markings]

Passing of assets, rights, liabilities and obligations from Road Safety Council to the Council

14. As from the fixed date all assets, rights, liabilities and obligations of the Road Safety Council shall, subject to the provisions of this Act and without payment of transfer duty, stamp duty or other fees, become assets, rights, liabilities and obligations of the Council, and any reference in any law or document to the first-mentioned council shall be construed as a reference to the Council.

National Road Safety Act 9 of 1972 (RSA)

Establishment and control of Central Road Safety Fund

15. (1) The Council shall establish a fund, to be known as the Central Road Safety Fund, into which shall be paid -

- (a) all moneys which in terms of section 14 become an asset of the Council, and all moneys derived from the realization of any assets of the Council;
- (b) all moneys received by the Council by virtue of the provisions of section 25;
- (c) moneys appropriated by Parliament for the purposes of the Council;
- (d) all other moneys which may accrue to the Council from any other source.

(2) The Fund shall be administered by the Council, and the moneys in the Fund shall, subject to the provisions of subsections (3) and (5), be utilized to defray the expenses incurred by the Council in the performance of its functions and the exercise of its powers.

[subsection (2) amended by Act 59 of 1981]

(3) The Council shall not incur any expenses except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (4).

(4) Once during every financial year (which shall end on the thirty-first of March), at such time as the Minister may direct, the Council shall submit to the Minister, for his approval, estimates of the income and expenditure of the Council during the ensuing financial year, and the Council may also, during the course of a financial year, submit to the Minister, for his approval, supplementary estimates of expenditure for that year.

(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 -

- (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;
- (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
- (c) expenditure of State money occasioned by the application of the provisions of section 4.

[subsection (5) inserted by Act 59 of 1981]

Keeping of records, preparation of statement of accounts and balance sheet, and audit

16. (1) The Council shall cause proper records to be kept of all moneys received or expended by it, and of all its assets and liabilities and of all its financial transactions, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received and

National Road Safety Act 9 of 1972 (RSA)

the expenditure incurred by it during, and its assets and liabilities at the end of, that financial year.

(2) The records, statements of account and balance sheet referred to in subsection (1) shall be audited by the Controller and Auditor-General, at such remuneration as may be agreed upon or, in the absence of agreement, as the Minister of Finance may determine.

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.

(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.

[section 17 substituted by Act 59 of 1981]

18.

[section 18 amended by Act 46 of 1974 and deleted by Act 59 of 1981]

19.

[section 19 substituted by Act 46 of 1974 and deleted by Act 59 of 1981]

20.

[section 20 amended by Act 46 of 1974 and by Act 57 of 1975,
and deleted by Act 59 of 1981]

Insurance against patrimonial damage or loss or claims

21. The Council may arrange with an insurer for insurance against any patrimonial damage or loss or against claims of any nature or certain classes of claims which may be instituted against the Council by or in respect of persons generally or by or in respect of certain classes of persons or by or in respect of particular persons or property.

22.

[section 22 amended by Act 46 of 1974 and deleted by Act 59 of 1981]

Reports by Council

National Road Safety Act 9 of 1972 (RSA)

23. (1) The Council shall as soon as possible after 31 December in each year submit to the Minister a report giving particulars as to -

- (a) the effect of any legislation contemplated in subsection (1), or of any regulations contemplated in subsection (2), of section 26;
- (b) its activities during the year ending on that date; and
- (c) any other matter which the Minister may require it to deal with in that report.

(2) Every report referred to in subsection (1) shall be accompanied by a balance sheet and a full statement of the Council's income and expenditure in respect of the latest financial year.

(3) The Minister shall lay every report, balance sheet and statement of income and expenditure submitted to him in terms of this section upon the Table in the Senate and in the House of Assembly within thirty days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

[Section 23 is substituted by Act 40 of 1976, which provides the following transitional provision in section 1(2):

“The provisions of subsection (1) shall apply for the first time in respect of a period which ends on 31 December 1976, and for the purposes of such application the period from 1 April 1975 until 31 December 1976 shall be deemed to be a period of a year.”]

Powers of Minister in regard to recommendations of Council

24. The Minister may accept, amend or reject any recommendation of the Council or remit it to the Council for reconsideration.

Payment to Council

25. The Minister shall, upon the recommendation of the Council and after consultation with the Minister of Economic Affairs and Technology, determine the moneys that may be paid on a quarterly basis to the Council by virtue of the provisions of section 1(2)(a)(ii) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977).

[Section 25 is amended by Act 16 of 1980 and by Act 59 of 1981, and substituted by Act 84 of 1986 and by Act 93 of 1989.

The Central Energy Fund Act 38 of 1977 was not applicable to South West Africa.]

Certain legislation relating to road safety

- 26.** (1) (a) The Minister may refer any recommendation of the Council accepted by him to the executive committee of a province or the territory of South-West Africa with a request that, as far as the recommendation relates to a matter falling within the power of the provincial council concerned or the legislative assembly of the said territory, appropriate laws be made to give effect to the recommendation.
- (b) If any such recommendation is not acceptable to any executive committee concerned, the Minister shall, if requested thereto by such executive committee, afford it an opportunity to make representations to him in connection with the matter.

National Road Safety Act 9 of 1972 (RSA)

(c) If after consideration of the said representations, the Minister is nevertheless satisfied that the giving of effect to the recommendation will promote road safety, he may recommend to the State President that regulations be made in terms of subsection (2) to give effect to the recommendation.

(2) The State President may on the recommendation of the Minister and by proclamation in the *Gazette* make regulations to promote road safety in the Republic.

(3) Different regulations may under subsection (2) be made in respect of different areas or roads.

(4) Regulations under subsection (2) may prescribe penalties for a contravention thereof or failure to comply therewith.

(5) In the event of a conflict between a regulation made under subsection (2) and an ordinance or a regulation or by-law made under an ordinance, the first-mentioned regulation shall prevail.

Regulations

27. (1) The Minister may, after consultation with the Council, make regulations as to -

- (a) the convening and control of, and the procedure and quorum at, meetings of the Council and the Managing Committee;
- (b) any matter which is in terms of this Act required or permitted to be prescribed by regulation;
- (c) generally any matter which he considers it necessary or expedient to prescribe for the effective exercise or performance by the Council or the Managing Committee of its powers and functions in terms of this Act.

(2)

[subsection (2) deleted by Act 59 of 1981]

Repeal of Act 1 of 1960, Act 53 of 1965 and Act 47 of 1966

28. The South African Road Safety Council Act, 1960, the South African Road Safety Council Amendment Act, 1965, and the South African Road Safety Council Amendment Act, 1966, are hereby repealed.

Where Act applicable

29. This Act and any amendment thereof shall also apply in every territory in respect of which Parliament is competent to legislate.

Short title and commencement

30. This Act shall be called the National Road Safety Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.