
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 453

20 APRIL 2018

NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO. 93 OF 1996)

PUBLICATION OF THE NATIONAL ROAD TRAFFIC REGULATIONS FOR COMMENTS

The Minister of Transport intends to amend the National Road Traffic Regulations, 2000, and acting in terms of section 75 (6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith publish the regulations in the Schedule for comments; All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments, within four weeks from the date of publication of this Notice to:

MR JOHN MOTSAKSING
DEPARTMENT OF TRANSPORT
PRIVATE BAG X 193
PRETORIA
0001

ADV N.A THOKA
DEPARTMENT OF TRANSPORT
PRIVATE BAG X 193
PRETORIA
0001

Tel: (012) 309 3574
Fax (012) 309 3962
E-mail: CommentsNRTR@dot.gov.za

Tel: (012) 309 3764
Fax (012) 309 3962
CommentsNRTR@dot.gov.za

SCHEDULE

Definition

1. In this Schedule "the Regulations" means the National Road Traffic Regulations published in Government Notice No. R. 225 of 17 March 2000, as amended by Government Notice No's. R. 761 of 31 July 2000, R. 941 of 22 September 2000, R. 726 of 3 August 2001, R. 2116 of 5 October 2001, R. 779 of 4 June 2002, R. 1341 of 25 September 2003, R. 881 of 23 July 2004, R. 871 of 2 September 2005, R. 1066 of 23 November 2005, R. 1318 of 2 December 2005, R. 1319 of 2 December 2005, R. 891 of 4 September 2006, R. 964 of 29 September 2006, R. 404 of 4 May 2007 and R. 865 of 28 September 2007, R. 589 of 27 May 2009, R. 359 of 12 May 2010, R. 541 of 29 June 2011, R. 209 of 9 March 2012 R. 758 of 9

October 2013, R. 890 of 19 November 2013, R. 846 of 31 October 2014, R. 188 of 19 February 2016 and R. 1408 of 11 November 2016.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by –

(a) The substitution of the definition of **“microdot”** of the following definition:

“microdot” means a microdot – particle with a diameter smaller than 1.8 mm, which bears a unique optically readable microdot identifier of which the content and structure complies with SANS 534 – 1 “Vehicle Security - Whole of vehicle marking Part 1: Microdot systems” and is legible with equipment that magnifies the text 60 times;

(b) The insertion after the definition of **“microdot”** of the following definitions:

“microdot fitter” means a person who is employed by a microdot fitment centre to fit microdots to a motor vehicle;”

(c) by the substitution for the definition of **“National Traffic Information System”** of the following definition:

“National Traffic Information System” means the computerised National Traffic Information System that is used as a register that supports the National Road Traffic Act, 1996 (Act No. 93 of 1996) and Regulations also known as the NaTIS and include but is not limited to the

- register of authorised officers,
- register of motor vehicles,
- register of manufacturers, builders and importers,
- register of motor trade numbers,

- register of temporary and special permits,
- register of external road traffic register users,
- register of instructors,
- register of driving licence testing centres,
- register of driving licences,
- register of driving licence appointments,
- register of driving schools,
- register of professional driving permits,
- register of testing stations,
- register of operators,
- register of contraventions,
- register of accidents,
- register of parking exemptions,
- register of traffic register numbers,
- register of manufacturers of microdots, and
- register of microdot fitment centres;";

(d) the insertion of the definition of "**Microdot Certification Body**"

"**Microdot Certification Body**" means a body established and authorised in writing

by the Department, to ensure compliance with the regulations and SANS 534-1 "Vehicle Security – whole of vehicle marking Part 1: Microdot systems"; with regard to the manufacturing, importation or fitment of microdots;

- (e) the insertion of the definition of "**microdot manufacturer**"

"**microdot manufacturer**" means a person or body of persons certified by the Microdot Certification Body and registered as such in the register of manufacturers of microdots to manufacture or import microdots for the purpose of fitting them on motor vehicles in term of SANS 534 – 1 "Vehicle Security – whole of vehicle marking Part 1: Microdot systems";

- (f) the insertion of the definition of "**microdot fitment centre**"

"**microdot fitment centre**" means a person or body of persons registered in the register of microdot fitment centres and certified by a Microdot Certification Body, to fit microdots on vehicles;

- (g) the insertion of the definition of "**microdot fitter**"

"**microdot fitter**" means a person employed by a microdot fitment centre to fit microdots on motor vehicles;

- (h) the insertion of the definition of "**microdot fitment centre management representative**"

"**microdot fitment centre management representative**" means any person appointed by the microdot fitment centre proprietor and who has the necessary levels of technical and managerial competence as well as authority for and responsibility for the day-to-day management of a microdot fitment centre;"

- (i) the insertion of the definition of "**microdot fitment centre proprietor**"

"**microdot fitment centre proprietor**" means any person, member or director whose name appears on either the initial and amended founding statement,

partnership agreement, close corporation registration or company, of the microdot fitment centre;

(j) the insertion of the definition of **“microdot production facility”**

“microdot production facility” means premises where the microdot final product is manufactured or where the manufactured or imported product is further processed for distribution to microdot fitment centres;”

Amendment of regulation 8 of the Regulations

3. Regulation 8 of the Regulations is hereby amended by the substitution for subparagraph (ii) of paragraph (d) of subregulation (2) of the following subparagraph:

“(ii) if a notification of change of title holder, indicating that the applicant is the new title holder or owner, was given in terms of regulation 53 (3);”;

Insertion of regulation 8A in the Regulations

4. The following regulation is hereby inserted after regulation 8 of the Regulations:

“8A. Manner of application for first registration of a motor vehicle by manufacturer, importer or builder not required to register in terms of this Act

(1) An application for registration of a motor vehicle by a manufacturer, builder or importer not required to register in terms of regulation 43, shall be made at a registering authority within seven days of the date of liability referred to in Regulation 7(1)(a)(iii).

(2) An application referred to in subregulation (1) shall be accompanied by—

(a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;

- (b) a duly completed form RIM as shown in Schedule 2;
- (c) where the motor vehicle is imported,—
 - (i) a registration certificate or certificate of origin containing all applicable information pertaining to such motor vehicle as contemplated in regulation 8(e) (i) to (x);
 - (ii) proof of compliance with the provisions of the customs and excise legislation;
 - (iii) a letter of authority as contemplated in regulation 43; and
 - (iv) a mass measuring certificate obtained in the manner as contemplated in regulation 66;
- (d) where the vehicle has been manufactured or built—
 - (i) form SOA as shown in Schedule 2, containing such information as to the parts used; and
 - (ii) a mass measuring certificate obtained in the manner as contemplated in regulation 66;
- (e) form RPI as shown in Schedule 2.

(3) Upon receipt of the documentation referred to in subregulation (2) the registering authority shall record the application in the register of motor vehicles and forward the documentation to the South African Police Service.

8B. Procedure after receipt of application for first registration of a vehicle manufactured, imported or built for own use by an MIB not required to register as such

Upon receipt of the application as contemplated in regulation 8A, to introduce a motor vehicle, the South African Police Service shall—

- (a) within 21 days from the date of receipt of the documentation, authorise the introduction of the vehicle by updating particulars of the motor vehicle concerned in the register of motor vehicles; or
- (b) within 21 days from the date of receipt of the documentation notify the registering authority why the vehicle particulars cannot be recorded in the register of the motor vehicles and update the register of motor vehicles accordingly.”.

Amendment of regulation 35 of the Regulations

5. Regulation 35 of the Regulations is hereby amended by the substitution for the proviso clause after paragraph (f) of subregulation (7) of the following proviso clause:

“Provided that no person shall operate on a public road a motor vehicle first registered on or after 1 July 2011, unless the number plate fixed to such motor vehicle is affixed within 20 millimetres from the edges by means of 4 millimetre rivets or 4 millimetre one-way self tapping screws either directly onto the motor vehicle or an integral part thereof or onto an intermediate holding bracket which as from 1 December 2017 complies with the provisions of SANS 973 "Number Plate Carrier", and which is attached to the motor vehicle in such a way that it cannot be removed while the number plate is affixed to it in the aforesaid manner.”.

Insertion of regulations 51A to 51S of the regulations

6. The following regulations 51A to 51S are inserted after regulation 51 of the Regulations:

“51A. Manufacturers of microdots to be approved

No person shall manufacture, import, sell or distribute microdots unless he or she is approved by the Department to manufacture, import, sell or distribute microdots and is registered as such in the register of manufacturers of microdots.

51B. Manner of application for approval as a manufacturer of microdots

(1) An application for approval as a manufacturer of microdots shall be made on form MDS as shown in Schedule 2.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) acceptable identification of the applicant, and if such applicant is a body of persons or authority, that of its proxy and representative and a letter of proxy;
- (b) the exact physical address of the proposed manufacturer of microdots;
- (c) the appropriate application fees as determined and payable to Microdot Certification Body;
- (d) recommendation in writing by the Microdot Certification Body; and
- (e) any other additional information or documents as may be required by the Department;

Provided that a manufacturer of microdots who operated as a manufacturer of microdots prior to the implementation of these regulations, shall comply with the provisions of this regulation 12 months after the date of publication of this regulation in the *gazette*.

51C. Consideration of suitability for approval as a manufacturer of microdots

(1) The Department shall consider the application referred to in regulation 51B and shall, without limiting the factors to be considered, take the following into account—

- (a) the suitability of the applicant; and
- (b) all matters relevant to the application as contemplated in regulation 51B.

(2) The Department may require or obtain any additional information in order to consider the application.

(3) If the Department is satisfied as to the suitability of the manufacturer of microdots, the Department shall notify the applicant in writing of the decision to approve the application in principle and such approval shall be valid for a period of 12 months and it shall not be transferable.

(4) If the Department is not satisfied as to the suitability of the manufacturer of microdots, the Department shall refuse to register such manufacturer of microdots, and shall notify the applicant accordingly and shall provide the applicant in writing with the reasons of such refusal.

51D. Requirements to be met for approval as a manufacturer of microdots

The requirements for approval as a manufacturer of microdots, shall be a recommendation in writing by the Microdot Certification Body certifying that the manufacturer of microdots has complied with the minimum requirements as provided for in these regulations, including SANS 534-1 "Vehicle Security – whole of vehicle marking Part 1: Microdot systems".

51E. Manner of approval of a manufacturer of microdots

(1) The Department shall, upon receipt of an application for approval as a manufacturer of microdots made in terms of regulation 51B with due regard to the evaluation and recommendations in writing of the Microdot Certification Body, satisfy itself that the applicant concerned complies with the requirements of these regulations.

(2) If the Department is satisfied that the applicant comply with the requirements, the Department shall—

- (a) subject to the conditions it may deem fit, approve such manufacturer of microdots;
- (b) require the recording of the particulars of such manufacturer of microdots on the register of manufacturer of microdots;
- (c) issue a certificate of registration on form MMI as shown in Schedule 2, to such manufacturer of microdots.

(3) A certificate of registration issued in terms of subregulation (2) (c) shall be displayed in a conspicuous place where members of the public who make use of the manufacturer of microdots can see such certificate.

(4) A manufacturer of microdots shall only operate on the premises where such manufacturer of microdots is registered for.

51F. Notification of change of particulars of manufacturer of microdots

(1) Subject to subregulation 51E (3), the manufacturer of microdot proprietor in whose name the entity is approved and registered, shall, upon the change of any of the particulars submitted, notify the Department and the Microdot Certification Body of such change on form MDS as shown in Schedule 2, within 21 days after such change.

(2) The Department shall, upon receipt of a notification referred to in subregulation (1)—

- (a) in case of change in premises, require the Microdot Certification Body to evaluate the new premises to ensure compliance with these regulations; and
- (b) update the register of manufacturers of microdots accordingly.

(3) In the event that the manufacturer of microdots proprietor sells or transfers ownership of the manufacturer of microdots, it shall be considered as a new application and

the procedure referred to in regulations 51B, 51C and 51D shall apply.

(4) In the event that the manufacturer of microdots needs to relocate, it shall be considered as a new application and the procedure referred to in regulation 51B shall apply.

51G. Duties of a manufacturer of microdots

A manufacturer of microdots shall—

- (a) notify the Department within 21 days of any change in particulars or circumstances in relation to any information provided to the Department on the manufacturer of microdots;
- (b) ensure that proper control is exercised over the manufacture or importation of microdots by such manufacturer of microdots or any employee, employed by the manufacturer of microdots;
- (c) supply microdot fitment centre with security paper acquired from the Microdot Certification Body;
- (d) ensure that all records are kept;
- (e) comply with the requirements made by the Microdot Certification Body.

51H. Manner of suspension or cancellation of registration of a manufacturer of microdots

(1) The Department shall upon being notified that an approved manufacturer of microdots does not comply with the provisions of this Act, or upon recommendation by the Microdot Certification Body that a manufacturer of microdots does not comply with the requirements as contemplated in these regulations, satisfy itself of the non-compliance of such manufacturer of microdots.

(2) The Department shall, in considering the suspension or cancellation of the approval and registration of manufacturer of microdots on any matter—

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- (a) notify the manufacturer of microdots of the failure of such manufacturer of microdots to comply with the requirements of this; and
 - (b) require the manufacturer of microdots to indicate in writing within 21 days from the date of the said notification—
 - (i) the reason for such failure; and
 - (ii) the details of the measures that have been taken to rectify and prevent such failure.
- (3) If the Department is not satisfied with the reasons or measures referred to in the subregulation (2) (b), the Department shall inform such manufacturer of microdots and may—
- (a) suspend the approval and registration of the manufacturer of microdots concerned, or
 - (b) cancel the approval and registration of the manufacturer of microdots concerned, in the register of manufacturer of microdots,
- (4) If the Department suspends or cancels the approval and registration of the manufacturer of microdots the Department shall notify the manufacturer of microdots of such suspension or cancellation and the reason thereof and, in the case of suspension, the period thereof.
- (5) The manufacturer of microdots, of which the approval and registration has been cancelled, shall within 21 days after having been notified of such cancellation, submit to the Department the certificate of registration issued in respect of such manufacturer or importer of microdots.

51I. Transitional provision for microdot manufacturer that are provisionally registered

Every manufacturer of microdots that was provisionally registered and in

operation prior to implementation of these regulations, must comply with the provisions of this regulations 12 months from the date of publication of this regulations in the *gazette*.

51J. Powers and duties of the Microdot Certification Body

- (1) The Microdot Certification Body shall —
 - (a) evaluate the manufacturer of microdots in accordance with the requirements of these regulations and recommend to the Department the suitability of such manufacturer of microdots to be registered as a manufacturer of microdots;
 - (b) shall, in respect of every manufacturer of microdots, conduct at least one inspection per year to monitor the standards applied at every manufacturer of microdots;
 - (c) advise any manufacturer of microdots on the improvement and maintenance of facilities and procedures; if deemed necessary; and
 - (d) when necessary, recommend to the Department the suspension or cancellation of the registration of a manufacturer of microdots;
 - (e) keep a register of fitment centres and microdot fitters; and
 - (f) evaluate and grant authorisation where permissible to refit microdot to vehicles that have not been fitted according to the standard,
 - (g) supply manufacturer of microdots with security paper for issuing of microdot Job cards and microdot fitment compliance certificates.

- (2) A person who acts on behalf of, the Microdot Certification Body, may at any reasonable time and without prior notice—
 - (a) enter the premises of any manufacturer of microdots;
 - (b) inspect any records of the manufacturer of microdots;

- (c) inspect any vehicle that has been recorded as fitted with microdots if the vehicle has been fitted according to SANS 534 - 1, and
 - (d) question any person with regard to any matter relating to the operation of the manufacturer of microdots.
- (3) The Microdot Certification Body shall—
- (a) evaluate the fitment centre concerned in accordance with the requirements of this regulation and recommend to the Department the suitability of such a microdot fitment centre to be registered as a microdot fitment centre;
 - (b) in respect of every approved microdot fitment centre, conduct at least one inspection per year to monitor the compliance to this Act by such fitment centre;
 - (c) advise any microdot fitment centre on the improvement and maintenance of facilities, fitment of microdots and procedures, if deemed necessary; and
 - (d) when necessary, recommend to the Department the suspension or cancellation of the registration of a microdot fitment centre.
- (4) A person who acts on behalf of the Microdot Certification Body, may at any reasonable time, without prior notice—
- (a) enter the premises of any microdot fitment centre;
 - (b) inspect any records of the microdots fitment centre; and
 - (e) question any person with regard to any matter relating to the operation of the microdots fitment centre referred to in paragraph (a); and
 - (d) accompany a microdot fitter when fitting microdots on any motor

vehicle for the purpose of evaluation of such microdot fitter”.

51K. Fee to defray expenditure incurred by the Microdot Certification Body

(1) A registered manufacturer of microdots and microdot fitment centre, shall pay a fee to the Microdot Certification Body as determined by such body and agreed to by the Department.

(2) An applicant for registration of a manufacturer of microdots or microdot fitment centre shall pay the fee to the Microdot Certification Body for the evaluation of the premises for purposes of registration.

(3) An approved manufacturer of microdots or a registered microdot fitment centre shall pay the fee to the Microdot Certification Body for the evaluation of the new premises, if there is change of premises.

51L. Microdot fitment centre to register

No person shall fit microdots unless he or she is registered as a microdots fitment centre and is registered as such in the register of microdot fitment centres.

51M. Manner of application for registration of microdot fitment centres

(1) An application for the registration of a microdot fitment centre in terms of these regulations shall be made to the MEC concerned, on form MDF as shown in Schedule 2.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) acceptable identification of the applicant,
- (b) the particulars of every person, or the members or directors of every juristic person in whose name such microdot fitment centre shall be registered on form MFO as shown in Schedule 2;

- (c) the exact location of the proposed microdot fitment centre;
- (d) the appropriate application fees;
- (e) a clearance certificate of previous convictions for offences of—
 - (i) theft, whether under the common law or a statutory provision;
 - (ii) receiving stolen property knowing it to have been stolen;
 - (iii) fraud; or
 - (iv) forgery or uttering a forged document knowing it to have been forged,

if any, from the South African Police Services for any applicant or the spouse or partner of the applicant.;

- (f) affidavit declaring any current or prior involvement with any microdot fitment centre on which the applicant has had an interest either directly or indirectly during the past ten years;
- (g) tax clearance certificate from South African Revenue Services; and
- (h) affidavit declaring the refusal of the applicant or any spouse or partner of the applicant to register a microdot fitment centre, by any other MEC; and

Provided that a microdot fitment centre that was in operation prior to the implementation of these regulations, shall comply with the provisions of this regulation six months after the date of publication of this regulation in the *gazette*.

51N. Consideration of suitability of microdot fitment centre and person, body or authority to operate a microdot fitment centre

(1) The MEC shall consider the application referred to in regulation 51K and shall, without limiting the factors to be considered, take the following into account—

- (a) the suitability of the applicant;
- (b) the refusal to register the applicant as a microdot fitment centre, by any other MEC;
- (c) the refusal of any spouse or partner of the applicant to operate a microdot fitment centre; and
- (d) the recommendation from the Microdot Certification Body.

(2) The MEC may require or obtain any additional information to consider the application.

(3) The MEC shall consider all matters relevant to the application.

(4) If the MEC is satisfied as to the suitability of the microdot fitment centre he or she shall notify the applicant in writing of his or her decision to approve the application.

(5) If the MEC is not satisfied as to the suitability of the microdot fitment centre he or she shall—

- (a) refuse to register the applicant as a microdot fitment centre and update the register of manufactures of microdot fitment centres of such refusal;
- (b) notify the applicant accordingly, and
- (c) provide the applicant with the reasons of such refusal in writing.

(6) A person or body of persons whose application to operate a microdot fitment

centre has been refused by an MEC due to the unsuitability of such person, body or authority, may not apply in any other Province for the operation of a microdot fitment centre, until such person or body of persons complies with the requirements of this Act.

510. Requirements to be met for registration of a microdot fitment centre

- (1) The requirements for registration of a microdot, shall be accompanied by—
- (a) a copy of the title deed, offer to purchase or lease agreement of the premises zoned for business on which the fitment centre is located;
 - (b) Valid Tax Clearance Certificate issued by the South African Revenue Services;
 - (c) A current South African Police Services clearance, reflecting any criminal record and the details and nature of any offence, for –
 - (i) the fitment centre management representative,
 - (ii) all microdot fitters
 - (d) Acceptable identification of—
 - (i) the fitment centre management representative,
 - (ii) any person employed or otherwise employed by the fitment centre as a fitter; and
 - (e) a certificate issued by the Microdot Certification Body that the fitment centre is capable of fitting microdots in terms of SANS 534 – 1 "Vehicle Security – Whole of Vehicle MARKING, Part 1 Microdot Systems"
- (2) No microdots fitment centre shall fit microdots on vehicles in any address other than the address that is reflected on the application form,
- (3) No microdot fitment centre shall be registered or remain registered if any microdot fitment centre proprietor, or spouse or partner of the proprietor has acquired a direct or indirect financial interest in a vehicle testing station

(4) A microdot fitment centre shall not be registered or remain registered if it is not operated solely in an automotive industry.

51P. Manner of registration of a microdot fitment centre

(1) The MEC shall, upon receipt of an application for registration of a microdot fitment centre as contemplated in regulation 51K with due regard to the evaluation and recommendations of the Microdot Certification Body, satisfy himself or herself that the applicant concerned complies with the requirements referred to in these regulations.

(2) If the MEC is satisfied as to the suitability of the microdot fitment centre, he or she shall—

- (a) subject to the conditions he or she may deem fit, register such microdot fitment centre;
- (b) record the particulars of such microdot fitment centre on the register of microdot fitment centre;
- (c) issue a certificate of registration on form FCR as shown in Schedule 2, to such microdot fitment centre.

(3) A certificate of registration issued in terms of subregulation (2) (c) shall be displayed in a conspicuous place where members of the public who make use of the microdot fitment centre can see such certificate.

(4) A microdot fitment centre shall only be registered for the premises reflected on form FCR and may only be operated by the microdot fitment centre owner in whose name the microdot fitment centre is registered.

51Q. Notification of change of particulars of a microdot fitment centre

(1) Subject to the provisions of subregulation (3), the microdot fitment centre

owner in whose name the microdot fitment centre is registered, shall, upon the change of any of the particulars submitted in terms of regulations 51K, notify the MEC and the Microdot Certification Body of such change on form MDF and MFO as shown in Schedule 2, within 21 days after such change.

(2) The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of microdot fitment centres accordingly.

(3) In the event that the microdot fitment centre owner sell or transfer ownership of the microdot fitment centre, it shall be considered as a new application and the procedure referred to in regulation 51K shall apply.

51R. Duties of a microdot fitment centre

A microdot fitment centres shall—

- (a) notify the MEC and Microdot Certification Body, within 21 days of any change in particulars or circumstances in relation to any information provided to the MEC by the microdot fitment centres;
- (e) ensure that proper control is exercised over any microdot fitter at such microdot fitment centre;
- (f) produce Job cards and microdot fitment compliance certificate on a security paper;
- (e) ensure that all records are kept; and
- (f) ensure that manufacturer of microdots are forthwith notified of all microdots fitted to a motor vehicle by the microdot fitment centre.

51S. Manner of suspension or cancellation of registration of a microdot fitment centre

(1) The MEC shall upon being notified that a registered microdot fitment centre does not comply with the provisions of this Act, or upon a recommendation of the inspectorate of microdots that a microdot fitment centre does not comply with the requirements as contemplated in these regulations, satisfy himself or herself of the non-compliance of such microdot fitment centre.

(2) The MEC shall, in considering the suspension or cancellation of the registration of a microdot fitment centre on any matter—

- (a) notify the microdot fitment centre of the failure of such microdot fitment centre to comply with the requirements of this Act on form MDF2 as shown in Schedule 2; and
- (b) require such microdot fitment centre to indicate in writing within 14 days from the date of the said notification—
 - (i) the reason for such failure; and
 - (ii) the details of the measures that have been taken to rectify and prevent such failure.

(3) If the MEC is not satisfied with the reason or measures referred to in subregulation (2) (b), the MEC shall inform such microdot fitment centre and may—

- (a) suspend, or
- (b) cancel,

the registration of such microdot fitment centre in the register of microdot fitment centres.

(4) If the MEC suspends or cancels the registration of a microdot fitment centre, the MEC shall notify the microdot fitment centre of such suspension or cancellation and the reason thereof and, in the case of suspension, the period thereof on form MDF3 as shown in Schedule 2; and

(1) The microdot fitment centre whose registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC the certificate of registration issued in respect of such microdot fitment centre.

Amendment of regulation 53 of the Regulations

7. Regulation 53 of the Regulations is hereby amended by—

(a) the addition of “and” after paragraph (b) of subregulation (3);

(b) the substitution for paragraph (c) of subregulation (3) of the following paragraph:

“(c) forward the form referred to in paragraph (a) together with the copy of the registration certificate to the appropriate registering authority forthwith.”.

(c) the substitution for paragraph (c) of subregulation (5) of the following paragraph:

“(c) shall acknowledge receipt of such notice on form ARN as shown in Schedule 2.”.

(d) by the substitution for subregulation (7) of the following subregulation:

“(7) If there is a change of title holder of a motor vehicle, where the current title holder has access to the electronic notice of change of ownership transaction, the current title holder of such motor vehicle shall—

(a) perform the electronic notice of change of ownership transaction and enter the particulars of the new title holder; and

(b) issue to the new title holder confirmation of such change on form ARN as shown in Schedule 2.”.

Amendment of regulation 25 of the Regulations

8. Regulation 25 of the Regulations is hereby amended by the deletion of paragraph (e) of subregulation (7).”.

Amendment of regulation 59 of the Regulations

9. Regulation 59 of the Regulations is hereby amended by the deletion of subregulation (3).”.

Amendment of regulation 101 of the Regulations

10. Regulation 101 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

(1) The period of validity of a learner's licence issued or deemed to be issued in terms of section 17 of the Act shall be 24 months from the date of examination and test referred to in section 17(2) of the Act.”.

Amendment of regulation 102 of the Regulations

11. Regulation 102 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (2) of the following subregulation:

(a) A person who is disqualified in terms of subregulation (1) may at such person's expense approach a registered optometrist or ophthalmologist to test such person's eyes in terms of the standards referred to in subregulation (1), and the result of such test shall be contained on form ETC as shown in Schedule 2, which shall duly reflect the visual acuity of such person according to the Snellen rating, and his or her field of vision expressed in degrees, as contemplated in subregulation (1), be accepted by the driving licence testing centre.

Amendment of regulation 104 of the Regulations

12. Regulation 104 of the Regulations is hereby amended by—

(a) the substitution for paragraph (b) of subregulation (2) of the following paragraph:

“(b) is not disqualified in terms of section 15 and 17 (5) of the Act or regulation 102,”

(b) the insertion of the following subregulation after subregulation (3):

“(3A) The provisions of subregulations (1),(2)(a) and (3) shall not apply to an applicant who holds a driving licence authorised by the same learner’s licence code to which the new application relates.”.

Insertion of regulation 104A in the Regulations

13. The following regulation is inserted after regulation 104 of the Regulations:

“104A. Manner of suspension of an applicant for a learner’s licence

(1) If an examiner for driving licences finds an applicant for a learner’s licence using an unauthorised aid during the learner’s licence test, such examiner shall immediately inform the management representative of a driving licence testing centre concerned of such contravention of section 17(5), by such applicant.

(2) The management representative of a driving licence testing centre concerned, shall in considering the suspension of the applicant from obtaining a learner’s licence notify such applicant on form LL4 as shown in Schedule 2 of his or her intention and the reasons thereof.

(3) The applicant for a learner’s licence referred to in subregulation (1), may, within 21 days after receipt of the notification referred to in subregulation (2), make a written representation to the management representative of a driving licence testing centre concerned and at the same time serve a copy to the examiner concerned.

(4) The management representative of a driving licence testing centre concerned shall after due consideration of any representation made in terms of subregulation (3), if any and if not satisfied, suspend the applicant for a learner's licence referred to in subregulation (1), from obtaining a learner's licence for a period not exceeding 12 months.

(5) The management representative shall forthwith inform the MEC of the province concerned of his or her decision on form AAL of the suspension of the applicant from applying for a learner's licence and the period thereof.

(6) The management representative shall also forthwith inform the applicant of his or her decision on form LL5 as shown in Schedule 2, of the suspension from applying for a learner's licence and his or her right to appeal to the MEC of the province concerned with 21 days from receipt of the said notice."

Insertion of regulation 104B in the Regulations

14. The following regulation is inserted after regulation 104 of the Regulations:

"108B. Manner of cancellation of a learner's, provisional or driving licence issued contrary to the provisions of this Act

(1) The MEC of the province concerned shall upon being notified that a learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence, provisional driving licence or driving licence was issued contrary to this Act, and after an investigation has been conducted and upon recommendation of the inspectorate of driving licence testing centres or the provincial inspectorate, satisfy himself or herself of the non-compliance of such licence as the case may be.

(2) The MEC of the province concerned shall, in considering the cancellation of the learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence, provisional driving licence or driving licence—

- (a) notify the holder thereof on form LL4 or DL4 as shown in Schedule 2;
- and

(b) require such holder to indicate in writing within 14 days from the date of the said notification as to the reasons why the learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence should not be cancelled.

(3) If the MEC of the province concerned is not satisfied with the reasons furnished, he or she shall inform the holder referred to in paragraph (2) (a) and may cancel such learner's licence, provisional driving licence, driving licence or any document purporting to be a learner's licence provisional driving licence or driving licence.

(4) The holder of the learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence, shall within 14 days after having been notified of such cancellation, submit to the MEC of the province concerned the learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence provisional driving licence or driving licence provisional driving licence or driving licence.

(5) The MEC of the province concerned shall after, receiving the learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence, provisional driving licence or driving licence issued as contemplated in subregulation (4) shall forthwith submit such document to the provincial inspectorate or inspectorate of driving licence testing centres who shall destroy the document."

Amendment of regulation 117 of the Regulations

15. Regulation 117 of the Regulations is hereby amended by the substitution for subparagraph (iv) of paragraph (c) of the following subparagraph:

"(iv) in the case of an application for a category "P" and "D" permit, an offence of which violence was an element: Provided that the MEC of a province concerned may exempt an applicant from complying with the provision of this subparagraph."

Substitution of regulation 128 of the Regulations

16. Regulation 128 of the Regulations is hereby amended by the substitution for regulation 128 of the following regulation:

"128. Manner of application for registration of testing station

(1) An application for the registration of a testing station in terms of section 38 of the Act shall be made on form TS1 as shown in Schedule 2.

(2) An application referred to in subregulation (1) shall be accompanied by—

- (a) acceptable identification of the applicant,
- (b) the particulars of every person, or the members or directors of every juristic person in whose name such testing station shall be registered on form TSO as shown in Schedule 2, in the event that such application is approved;
- (c) the exact location of the proposed testing station;
- (d) the grade of testing station to be operated;
- (e) the appropriate application fees as determined by the Minister;.
- (f) a clearance certificate of previous convictions for offences of—
 - (i) theft, whether under the common law or a statutory provision;
 - (ii) receiving stolen property knowing it to have been stolen;
 - (iii) fraud; or
 - (iv) forgery or uttering a forged document knowing it to have been forged,

if any, from the South African Police Services for any applicant or the

- spouse or partner of the applicant;
- (g) affidavit declaring any current or prior involvement in any testing station which the testing station proprietor has had any direct or indirect interest during the past ten years;
 - (h) letter from applicable local authority supporting the establishment of the facility at the proposed physical location;
 - (i) tax clearance certificate from South African Revenue Services;
 - (j) affidavit declaring the refusal of the applicant or any spouse or partner of the applicant to register a testing station, by any other MEC; and
 - (k) in the case of relocation, as contemplated in regulation 132(4) a letter stating the reasons necessitating the relocation.”.

Substitution of regulation 129 of the Regulations

17. Regulation 129 of the Regulations is hereby amended by the substitution for regulation 129 of the following regulation:

“129. Consideration of suitability of testing station and person or body of persons to operate a testing station

(1) The MEC of the province concerned shall consider the application referred to in regulation 128 and shall, without limiting the factors to be considered, take the following into account—

- (a) the suitability of the applicant;
- (b) the refusal of the applicant or any spouse or partner of the applicant to register a testing station, by any other MEC; and

(c) all matters relevant to the application as contemplated in regulation 128.

(2) The MEC of the province concerned may require or obtain any additional information to consider the application.

(3) If the MEC of the province concerned is satisfied as to the suitability of the testing station he or she shall notify the applicant in writing of his or her decision to approve the application in principle and such approval shall be valid for a period of 12 months and it shall not be transferrable.

(4) If the MEC of the province concerned is not satisfied as to the suitability of the testing station he or she shall refuse to register such testing station, and shall notify the applicant accordingly and shall inform the applicant in writing of—

(a) the reasons of such refusal; and

(b) the right of the applicant to lodge an appeal with the Minister within 21 days.

(5) A person or body of persons whose application to operate a testing station has been refused by an MEC due to the unsuitability of such person or body of persons, may not apply in any other Province for the operation of a testing station as contemplated in regulation 128 until such person or body of persons complies with the requirements of this Act.”.

Substitution of regulation 130 of the Regulations

18. Regulation 130 of the Regulations is hereby amended by the substitution for regulation 130 of the following regulation:

130. Requirements to be met for registration of testing station

(1) The requirements for registration of a testing station, shall be—

(a) management representative who is a registered examiner of vehicles of the same grade or higher as the proposed testing station;

- (b) examiner of vehicles of the same grade or higher as the proposed testing station;
- (c) compliance with "The minimum requirements for testing stations" as shown in Schedule 4;
- (d) the ability to test and examine a motor vehicle in terms of "The testing and examination of motor vehicles" as shown in SANS 10047: Testing of motor vehicles for roadworthiness, as contemplated in regulation 140;
- (e) a signed agreement between the MEC of the province concerned and the testing station proprietor reflecting the information of the agreement as proposed in Schedule 3;
- (f) certified copy of the title deed, offer to purchase or agreement of the premises on which the testing station is to be operated;
- (g) certified copy of the initial and amended founding statement, partnership agreement, close corporation registration or company registration reflecting the sole proprietor, all partners, all members or all directors, respectively, of the proposed testing station;
- (h) a current South African Police Services clearance, reflecting any criminal record and the details and nature of any offence or offences, for—
 - (i) the management representative of the Testing Station; and
 - (ii) all vehicle examiners employed by or otherwise contracted to the Testing Station, with the Testing Station to pay all costs for the South African Police Services clearance certificate;
- (j) Acceptable identification of—

- (i) the testing Station Management Representative;
- (ii) any examiner of vehicles employed or otherwise contracted by testing station; and

(j) the appropriate issuing fees as determined by the Minister.

(2) No testing station shall be registered or remain registered if any testing station proprietor, or the spouse or partner of the proprietor has or acquires a direct or indirect financial interest in—

- (a) the manufacturing, selling, rebuilding, repairing or modifying of motor vehicles;
- (b) fitting of microdot to motor vehicles; or
- (c) is an registered operator of vehicles,

(3) No person shall be registered or remain registered as an examiner of vehicles, if he or she has or acquires a direct or indirect financial interest in a testing station.

Substitution of regulation 131 of the Regulations

19. Regulation 131 of the Regulations is hereby amended by the substitution for regulation 131 of the following regulation:

"131. Manner of registration of a testing station

(1) The MEC of the province concerned shall, upon receipt of an application for registration of a testing station made in terms of regulation 128 with due regard to the evaluation and recommendations of the inspectorate of testing station, satisfy himself or herself that the testing station concerned complies with the requirements referred to in regulation 130.

(2) If the MEC is satisfied as to the suitability of the testing station in terms of regulations 129 and 130, he or she shall—

- (a) subject to the conditions he or she may deem fit, register and grade such testing station in terms of regulation 135;
- (b) record the particulars of such testing station on the register of testing station;
- (c) issue a certificate of registration on form CR as shown in Schedule 2, to such testing station.

(3) A certificate of registration issued in terms of subregulation (2) (c) shall be displayed in a conspicuous place where members of the public who make use of the testing station can see such certificate.

(4) A testing station shall only be registered for the premises reflected on form CR and may only be operated by the testing station proprietor in whose name the testing station is registered.”.

Substitution of regulation 132 of the Regulations

20. Regulation 132 of the Regulations is hereby amended by the substitution for regulation 131 of the following regulation:

“132. Notification of change of particulars of a testing station

(1) Subject to the provisions of subregulation (3),(4) and (5) the testing station proprietor in whose name the testing station is registered, shall, upon the change of any of the particulars submitted in terms of regulations 128 and 130, notify the MEC of the province concerned and the inspectorate of testing station of such change on form TS1 and TSO as shown in Schedule 2, within 14 days after such change.

(2) The MEC of the province concerned shall, upon receipt of a notification referred

to in subregulation (1), update the register of testing station accordingly.

(3) In the event that the testing station proprietorship sell or transfer ownership of the testing station, it shall be considered as a new application and the procedure referred to in regulation 128 shall apply.

(4) In the event that the testing station needs to relocate, it shall be considered as a new application and the procedure referred to in regulation 128 shall apply.

(5) In the event that the testing station proprietor sell or transfer ownership of the testing station, it shall be considered as a new application and the procedure referred to in regulations 128 shall apply: Provided that if the testing station was previously registered with restrictions it shall be reregistered as such.”.

Substitution of regulation 135 of the Regulations

21. Regulation 135 of the Regulations is hereby amended by the substitution for regulation 135 of the following regulation:

“135. Grades of testing stations

(1) The MEC of the province concerned shall grade a testing station as a grade A or B, as the case may be, if such testing station complies with the appropriate grading requirements when it is evaluated, according to “The minimum requirements for testing stations” as shown in Schedule 4.

(2) (a) A grade A testing station is authorised to examine and test a motor vehicle of any class in terms of regulation 140 for roadworthiness; and

(b) A grade B testing station is authorised to examine and test a motor vehicle of any class, excluding—

(i) a bus, minibus or goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms; or

(ii) any other motor vehicle the tare of which exceeds 3 500 kilograms.

(3) The MEC of the province concerned may restrict a testing station registered and graded before the date of implementation of this amendment to examine and test only—

(a) vehicles with certain dimensions; or

(b) vehicles as may be determined by the MEC.

(4) The MEC of the province concerned may amend the grading of a testing station registered before the implementation of this regulation, if such testing station does not fully comply with the requirements in Schedule 4 and shall do so in terms of the provisions of such schedule.”.

Substitution of regulation 136 of the Regulations

22. Regulation 136 of the Regulations is hereby amended by the substitution for regulation 136 of the following regulation:

“136. Manner of suspension or cancellation of registration of a testing station

(2) The MEC of the province concerned shall upon being notified that a registered testing station does not comply with the provisions of this Act, or upon a recommendation of the inspectorate of testing stations that a testing station does not comply with the provisions of this Act, satisfy himself or herself of the non-compliance of such testing station.

(2) The MEC of the province concerned shall, in considering the suspension or cancellation of the registration of a testing station on any matter—

(a) notify the testing station of the failure of such testing station to comply with the requirements of this Act on form TS4 as shown in Schedule 2; and

- (b) require such testing station to indicate in writing within 14 days from the date of the said notification-
 - (i) the reason for such failure; and
 - (ii) the details of the measures that have been taken to rectify and prevent such failure.

(3) If the MEC of the province concerned is not satisfied with the reason or measures referred to in subregulation (2) (b), he or she shall inform the testing stations referred to in paragraph (2) (a) and may—

- (a) suspend, or
- (b) cancel,

the registration of such testing station in the register.

(4) If the MEC of the province concerned suspends or cancels the registration of a testing stations, he or she shall notify the testing station of such suspension or cancellation and the reason thereof and, in the case of suspension, the period thereof on form TS5 as shown in Schedule 2; and

(5) The testing station whose registration has been cancelled, shall within 14 days after having been notified of such cancellation, submit to the MEC of the province concerned the certificate of registration issued in respect of such testing station.”.

Substitution of regulation 137 of the Regulations

23. Regulation 137 of the Regulations is hereby amended by the substitution for regulation 137 of the following regulation:

“137. Duties of a testing station proprietor

A testing station shall—

- (a) notify the MEC of the province concerned within 14 days of any change in particulars or circumstances in relation to any information provided to the MEC by the testing station;
- (b) ensure that the management representative exercise proper control over the instructor or any employee, employed at such testing station;
- (c) ensure that motor vehicles tested at such testing station are tested and examined in accordance with the provisions of this Act and prescribed standards;
- (d) ensure that any person employed as an examiner of vehicles or NaTIS officer receives proper training which must be in accordance with the provisions of this Act;
- (e) ensure that all records are kept;
- (f) ensure that all records pertaining to the testing and examination of motor vehicles at such testing station; and
- (g) ensure that all records pertaining to the training of personnel at such testing station and tax clearance certificates are submitted to the MEC of the province concerned on an annual basis.”.

Substitution of regulation 137A of the Regulations

24. Regulation 137A of the Regulations is hereby amended by the substitution for regulation 13A of the following regulation:

“137A. Duties of a management representative

A management representative shall—

- (a) ensure that every vehicle tested at the testing station, is tested in accordance

with the provisions of this Act; and

- (b) if he or she is not the testing station proprietor, report possible deviations from this Act, by any examiner employed at such testing station to the testing station proprietor and inspectorate of testing stations.”.

Substitution of regulation 137B of the Regulations

25. Regulation 137B of the Regulations is hereby amended by the substitution for regulation 137B of the following regulation:

“137B Act or omission of management representative, examiner of vehicles or employee employed by testing station proprietor

(1) Whenever any management representative, examiner of vehicles or employee of a testing station commits or omits an act which would have constituted an offence in terms of this Act or if the testing station proprietor had committed or omitted such act, that testing station proprietor shall, in the absence of evidence—

- (a) that he or she did not connive at or permit such act or omission;
- (b) that he or she took all reasonable measures to prevent an act or omission of the nature concerned; and
- (c) that an act or omission of the nature of the act or omission charged, did not fall within the scope of the authority of or the course of the employment as such manager, agent or employee, be deemed himself or herself to have committed or omitted that act and be liable to be convicted and sentenced in respect thereof.

(2) Whenever any management representative, examiner of vehicles or employee of a testing station, commits or omits any act which would have constituted an offence in terms of this Act or if the testing station proprietor had committed or omitted it, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such testing station proprietor.”.

Amendment of regulation 141 of the Regulations

26. Regulation 141 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) The examiner of vehicles shall duly complete form ACR as shown in schedule 2, and shall after the examination and testing of a motor vehicle, provide the applicant with the original duly completed form RTS as shown in Schedule 2.”

Amendment of regulation 161A of the Regulations

27. Regulation 161A of the Regulations is hereby amended by the substitution for regulation 161A of the following regulation:

“161A. Daytime running lamp

“(1) Any motor vehicle, except a trailer, may be fitted with daytime running lamps.

(2) If daytime running lamps are fitted to a motor vehicle they shall be—

(a) not less than 250 millimetres or more than one comma five metres above the ground level; and

(b) towards the front of the motor vehicle in such a manner that the light emitted from such lamp does not cause discomfort to the driver, either directly or indirectly through any of the rear-view mirrors or any other reflecting surfaces of such vehicle.

(3) Daytime running lamps shall be connected in such a manner that the rear lamps may be on or off at the same time as the daytime running lamps.

(4) Daytime running lamps shall be connected in such a manner that they may switch off automatically when the head lamps are switched on, except when the head lamps are used to give intermittent luminous warnings at short intervals.”

Amendment of regulation 166 of the Regulations

28. Regulation 166 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (2) of the following paragraph:

“(a) shall be fitted as near as possible to, but not more than 400 millimetres, or in the case of a trailer, converter dolly or adaptor dolly not more than 150 millimetres, from the outer-edges of the widest part of the motor vehicle or combination of motor vehicles concerned or any load thereon, and shall not be less than 350 millimetres or more than two comma one metres above the ground level: Provided that a motor vehicle first registered prior to 1 January 1985 may have such lamps fitted less than 350 millimetres above the ground but such lamps shall be fitted as high as possible; and;”;

Amendment of regulation 176 of the Regulations

29. Regulation 176 of the Regulations is hereby amended by the substitution for subregulation (5) of the following subregulation:

“(5) A motor vehicle used by a medical practitioner may be fitted above the windscreen with one lamp emitting an intermittently flashing red light in any direction: Provided that such light may only be used by such medical practitioner in responding to a medical emergency.”.

Substitution of regulation 232 of the Regulations

30. Regulation 232 of the Regulations is hereby amended by the substitution for regulation 232 of the following regulation:

“232. Mass of person and luggage for determining maximum load for homologation and testing purposes

For the purpose of establishing the maximum mass of a person and his or her hand luggage which may be conveyed on a motor vehicle for the purpose of determining the seating capacity of such vehicle to homologate a vehicle—

- (a) the mass of a person together with his or her hand luggage shall, be taken as 71 kilograms;
- (b) in the case of a motor vehicle which is fitted with—
 - (i) a luggage compartment, the mass of luggage shall be calculated at the rate of 100 kilograms per cubic metre; or
 - (ii) a roof rack, the mass of luggage shall be calculated at the rate of 75 kilograms per square metre of area of the roof rack.”.

Insertion of regulation 249A to 249M in the Regulations

31. The following regulations 249A to 249M are inserted after regulation 249 of the Regulations:

“249A. Definitions

For the purposes of regulation 249B to 294M—

“exemption” means an exemption granted by the Minister in writing in terms of section 81(1) of the Act.

“exemption permit” means an authorisation granted by the MEC of the province concerned, in writing in terms of section 81(2) of the Act.

“principle approval” means an authorisation granted by the Minister in writing in terms of section 81(1) of the Act.

249B. Non-compliant motor vehicle to be issued with principle approval, exemption or exemption permit

(1) No person shall operate on a public road a motor vehicle, due to such vehicle's original design cannot comply with the provisions of this Act, without a principle approval, exemption or exemption permit.

(2) No person shall operate on a public road a motor vehicle issued with a principle approval, exemption or exemption permit, contrary to any condition of such issued principle approval, exemption or exemption permit.

249C. Period of validity of principle approval

An issued principle approval for the importation or manufacturing of a motor vehicle, shall be valid for a period not exceeding 12 months from the date of issue.

249D. Manner of application for principle approval

(1) Any person or body of persons not required to be registered as manufacturer, importer, builder or body builder as contemplated in section 5 of the Act, desiring to obtain a principle approval, shall make an application to the Minister on form PA1 as shown in Schedule 2 or an online application via the NaTIS website, and shall be accompanied by—

- (a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees as determined by the Minister;
- (c) motivation for the intended use of the vehicle.
- (d) vehicle type description and dimensions for a specific vehicle or a combination of vehicles as identified in the application.

(2) Any person or body of persons required to be registered as manufacturer,

importer, builder or body builder as contemplated in section 5 of the Act, desiring to obtain a principle approval, shall make an application to the Minister on form PA1 as shown in Schedule 2 or an online application on the NaTIS website, and shall be accompanied by—

- (a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees as determined by the Minister;
- (c) motivation for the intended use of the vehicle; and
- (d) vehicle type description and dimensions for a specific vehicle or a combination of vehicles as identified in the application.

249E. Manner and contents on which application for principle approval to be evaluated

An application for a principle approval for mass and dimension of the vehicle shall be evaluated subject to the conditions determined by the Minister.

249F. Manner and contents on which application for exemption to be evaluated

An application for exemption to operate on a public road of a vehicle which, due to such vehicle's original design cannot comply with this Act, shall be evaluated by the Minister by ensuring the national or economic importance of such an exemption.

249G. Manner of issue of principle approval

(1) If the Minister is satisfied as to the suitability of the application as referred to in regulation 249D, he or she shall notify the applicant in writing of his or her decision to approve the application and issue a principle approval certificate which shall be valid for a period of 12 months from the date of issue.

(2) A principle approval certificate contemplated in subregulation (1) shall be

printed on form PA4 as shown in Schedule 2.

(3) The Minister may at his or her discretion define various preconditions for any principle approval to be issued and such preconditions shall be stipulated in the principal approval certificate which will be printed on form PA4 as shown in Schedule 2.

(4) If the Minister is not satisfied as to the suitability of the application referred to in regulation 294D, he or she shall refuse the application, and notify the applicant in writing as to the reasons for such refusal.

249H. Manner of issue of exemption

(1) If the Minister is satisfied as to the suitability of the application for exemption, he or she shall notify the applicant in writing of his or her decision to approve the application and issue an exemption which shall be valid for a period not exceeding 24 months from the date of issue.

(2) The Minister may at his or her discretion define various preconditions for any exemption to be issued and such preconditions shall be stipulated in the issued exemption.

(3) If the Minister is not satisfied as to the suitability of the application for exemption, he or she shall refuse the application, and notify the applicant in writing as to the reasons for such refusal.

249I. Manner of suspension or cancellation of principle approval

(1) The Minister may due to whatever reasons that he or she may deem fit suspend or cancel a principle approval.

(2) If the Minister intends to suspend or cancel the principle approval, he or she shall notify such holder on form PA2 as shown in Schedule 2 of such intention and the reason therefor.

(3) The holder of a principle approval referred to in subregulation (1) may, within 21 days after receipt of the notification referred to in that subregulation (2), make a written

representation to the Minister.

(4) The Minister shall after due consideration of any representation made in terms of subregulation (3), if any—

- (a) cancel the principle approval concerned, or suspend such principle approval for such period as he or she may deem fit and issue notification of such cancellation or suspension on form PA3 as shown in Schedule 2; or
- (b) not cancel or suspend the principle approval concerned, and notify the holder accordingly and supply the holder referred to in subregulation (1) with a principal approval certificate which will be printed on form PA4 as shown in Schedule 2.

(5) The holder whose principle approval or exemption permit has been cancelled, shall within 21 days after having been notified of such cancellation, submit to the Minister the issued principle approval certificate.

249J. Manner of application for exemption permit

(1) Any person or body of persons not required to be registered as manufacturer, importer, builder or body builder as contemplated in section 5 of the Act, desiring to obtain a exemption permit, shall make an application to the MEC of the province concerned on form EP1 as shown in Schedule 2 or an online application on the NaTIS website, and shall be accompanied by—

- (a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees as determined by the Minister;
- (c) motivation for the intended use of the vehicle;

- (d) expected vehicle routes; and
- (e) a vehicle type description and dimensions for a specific vehicle or a combination of vehicles as identified in the application.

(2) Any person or body of persons required to be registered as manufacturer, importer, builder or body builder as contemplated in section 5 of the Act, desiring to obtain an exemption permit, shall make an application to the MEC of the province concerned on form EP2 as shown in Schedule 2 or an online application via the NaTIS website, and shall be accompanied by—

- (a) the acceptable identification of the applicant and, if such applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees as determined by the Minister;
- (c) motivation for the intended use of the vehicle;
- (d) expected vehicle routes; and
- (e) a vehicle type description and dimensions for a specific vehicle or a combination of vehicles as identified in the application.

249K. Manner and contents on which application for exemption permit to be evaluated

(1) An application for an exemption permit for the mass or dimension of the load shall be evaluated subject to the conditions determined by the MEC of the province concerned.

(2) An application for an exemption permit shall be evaluated by the MEC of the province concerned, taking into consideration the national or economic importance of the issuance such exemption permit.

249L. Manner of issue of an exemption permit

(1) If the MEC of the province concerned, is satisfied as to the suitability of the application as referred to in regulation 249J, he or she shall notify the applicant in writing of his or her decision to approve the application and issue an exemption permit on a certificate which shall be valid for the period as determined by such MEC.

(2) An exemption permit certificate contemplated in subregulation (1) shall be printed on form EP3 as shown in Schedule 2.

(3) The MEC of the province concerned, may at his or her discretion define various preconditions for any exemption permit to be issued and such preconditions shall be stipulated in the exemption permit certificate printed on form EP3 as shown in Schedule 2.

(4) If the MEC of the province concerned, is not satisfied as to the suitability of the application referred to in regulation 249J, he or she shall refuse the application, and notify the applicant in writing as to the reasons for such refusal.

249M. Manner of suspension or cancellation of exemption permit

(1) The MEC of the province concerned, may due to whatever reasons that he or she may deem fit suspend or cancel an exemption permit.

(2) If the MEC of the province concerned, intends to suspend or cancel the exemption permit, he or she shall notify such holder on form EP4 as shown in Schedule 2 of such intention and the reason therefor.

(3) The holder of an exemption permit referred to in subregulation (1) may, within 21 days after receipt of the notification referred to in subregulation (2), make a written representation to the MEC of the province concerned.

(4) The MEC of the province concerned, shall after due consideration of any representation made in terms of subregulation (3), if any—

(a) cancel the exemption permit concerned, or suspend the exemption permit for a period as he or she may deem fit and issue a notification of such cancellation or suspension on form EP5 as shown in Schedule

2; or

- (b) not cancel or suspend the exemption permit concerned, and notify the holder accordingly and reissue to such holder another exemption permit.

(5) The holder whose exemption permit has been cancelled, shall within 21 days after having been notified of such cancellation, submit to the MEC of the province concerned, the issued exemption permit certificate.

Insertion of regulation 250A in the Regulations

32. The following regulation is inserted after regulation 250A of the Regulations:

"250A. Persons not to be carried with a motor tricycle for reward

(1) No person shall on a public road carry any person for reward with a motor tricycle.

(2) No person shall be issued with an operating licence to carry any person for reward with a motor tricycle."

Amendment of regulation 273 of the Regulations

33. Regulation 273 of the Regulations is hereby amended by—

(a) the deletion of the definition of "**Tremcard**";";

(b) the insertion after the definition of "**dangerous goods inspector**" of the following definition:

"**designated area**" means an area specifically designated for the offloading or loading in a safe manner by a person trained in the specific dangerous goods to be loaded or offloaded or by a person in the supervision of a person trained in the specific dangerous goods to be loaded or offloaded;";

(c) by the substitution for the definitions of **"multiload"** of the following definition:

"mixed load" means more than one type or hazard class of dangerous goods or substances carried together;"

(d) by the substitution for the definitions of **"Transport emergency card"** of the following definition:

"Transport emergency card" means a card which is generated in accordance with SANS 10232-4, listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services;"

Insertion of regulation 283C in the Regulations

34. The following regulation is inserted after regulation 283B of the Regulations:

"283C. Overloaded dangerous goods vehicle

(1) The driver or operator of a motor vehicle transporting dangerous goods shall forthwith, after being informed that his or her motor vehicle has been detained because it is overloaded, make arrangements at his or her own costs for the said motor vehicle to proceed under official escort to a designated area in order to transfer the excess load to another vehicle that complies with the provisions of Chapter VIII.

(2) After the load has been corrected, the motor vehicle must be escorted back to the weighbridge where it must be re-weighed to ensure that it is within the legal limits.

(3) The driver or operator shall not dump any excess dangerous goods on the premises of the weighbridge or any place except at a designated area."

Amendment of regulation 286A of the Regulations

35. Regulation 286A of the Regulations is hereby amended by the substitution for

paragraph (c) of subregulation (2) of the following paragraph:

“(c) for red, yellow, clear and green road studs, SANS 1463 series “Road marking materials – Retro-reflecting road studs”.”.

Insertion of regulation 298AA in the Regulations

36. The following regulation is inserted after regulation 298A of the Regulations:

“298AA. Passing of pedal cycle

(1) Subject to the provisions of regulation 296 and 298, the driver of a vehicle intending to pass a person riding on a pedal cycle proceeding in the same direction on a public road shall pass to the right thereof at a distance of one comma two metres and shall not again drive on the left side of the roadway until safely clear of the pedal cycle so passed: Provided that, in the circumstances as aforesaid, passing on the left of such pedal cycle shall be permissible if the person driving the passing vehicle can do so with safety to himself or herself, the person riding on the pedal cycle, other traffic or property which is or may be on such road and—

- (a) the pedal cycle being passed is turning to its right or the person riding on it thereof has signalled his or her intention of turning to his or her right;
- (b) such road is a public road in an urban area and—
 - (i) is restricted to vehicles moving in one direction; and
 - (ii) the roadway is of sufficient width for two or more lines of moving vehicles including pedal cycles;
- (c) such road is a public road in an urban area and the roadway is of sufficient width for two or more lines of moving vehicles moving in each direction;
- (d) the roadway of such road is restricted to vehicles moving in one direction and

is divided into traffic lanes by appropriate road traffic signs; or

- (e) he or she is driving in compliance with the directions of a traffic officer or is driving in traffic which is under the general direction of such officer, and in accordance with such direction:

Provided further that in no event shall any passing referred to in paragraph (a), (b), (c) or (d) be done by driving on the shoulders of the roadway or on the verge of the public road concerned."

Amendment of regulation 313 of the Regulations

- 37.** Regulation 313 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Subject to the provisions of subregulation (2), no person shall leave or allow any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich to be on any section of a public road where that section is fenced or not fenced or in any other manner closed or not closed along both sides, and no person shall leave such animal in a place from where it may stray onto such section of a public road."

Insertion of regulation 318A in the Regulations

- 38.** The following regulation is hereby inserted after regulation 318 of the Regulations:

"318A. Convoys on public road

(1) No person shall operate on a public road a goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms forming part of a convoy of motor vehicles: Provided that the provision of this regulation shall not apply to a motor vehicle as contemplated in regulation 318, a convoy of motor vehicles for a funeral or a wedding.

(2) The MEC of the province concerned, may exempt any person from complying with the provisions of subregulation (1)."

Insertion of regulation 330AA in the Regulations

39. The following regulation is inserted after regulation 330 of the Regulations:

"330AA. Definitions

For the purposes of regulation 330A to 330D—

"consignee" means—

- (a) a person who is named or otherwise identified as the intended consignee of more than 500 000 kilograms of goods in a month in the goods declaration for the consignment and who actually receives such goods after they are transported by road; and
- (b) a consignee as contemplated in regulation 273;

"consignor" means—

- (a) a person who is named or otherwise identified as the consignor of goods in the goods declaration relating to the transportation of more than 500 000 kilograms of goods in a month by road or engages an operator of a vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road or has possession of, or control over, the goods immediately before the goods are transported by road or loads a vehicle with the goods, for transport by road, at a place where goods are stored in bulk or temporarily held but excludes a driver of the vehicle, or any person responsible for the normal operation of the vehicle during loading; and
- (b) a consignor as contemplated in regulation 273;

Substitution of regulation 330C of the Regulations

40. Regulation 330C of the Regulations is hereby amended by the substitution for regulation 330C of the following regulation:

"330C. Goods declaration to be carried on a motor vehicle

A person operating on a public road a goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms and which carries goods shall be in possession of a declaration containing the following information—

- (a) the licence number of each vehicle in the combination of vehicles;
- (b) the nature and quantity of goods transported;
- (c) the contact particulars of the operator or in the case of a combination of vehicles, of every operator in the combination of vehicles;
- (d) if applicable, the particulars of the consignor and consignee of the load or in the case of loads collected at and delivered to more than one consignor and consignee, the particulars of every consignor or consignee;
- (e) the name, residential and postal address of every natural person or in the case of a juristic person, the responsible director or member, if applicable consignor or consignee, an agent or operator listed in the declaration;
- (f) the consignor and operator shall conclude a written agreement for the transportation of goods stating—
 - (i) the nature of the agreement;
 - (ii) the loading instructions; and
 - (iii) the responsibilities of the parties.
- (g) if applicable, the schedule of insurance as contemplated in regulation 330D."

Substitution of regulation 330D of the Regulations

41. Regulation 330D of the Regulations is hereby amended by the substitution for regulation 330D of the following regulation:

"330D. Consignor or Consignee to make sure that the operator has insured the goods transported for damages that may occur due to an incident

A consignor or consignee of goods shall not offer goods for transport or accept goods that has been transported on a public road unless such transportation is fully insured for any damages that may occur as a result of an incident."

Insertion of regulation 331A in the Regulations

42. The following regulation is hereby inserted after regulation 318 of the Regulations:

"331A. Records and information required for investigations

(1) A member of the South African Police Service may request a registering authority, a testing station or a driving licence testing centre to submit original records held by them in terms of section 77 of the Act.

(2) The request made in terms of subregulation (1) shall be accompanied by the following documents—

- (a) a certified copy of the member of the South African Police Service's appointment certificate;
- (b) a duly completed form RID as shown in Schedule 2, completed by the South African Police Services member; and
- (c) the fingerprint of such member of the South African Police Service.

(3) A registering authority, a testing station or a driving licence testing centre shall file each copy of the original records furnished to the member of the South African Police Service together with the documents submitted by such member as contemplated in subregulation (2).

(4) The member of the South African Police Service shall furnish to the registering authority, a testing station or a driving licence testing centre as the case maybe, with SAPS 13(b) acknowledgement of receipt for such documents before he or she take possession of the requested documents.

(5) A registering authority, a testing station or a driving licence testing centre shall not furnish a member of the South African Police Service with the original records unless, such member complies with subregulation (2) and (4).

(6) An authorised member of the Special Investigation Unit may request a registering authority, a testing station or a driving licence testing centre to submit certified copies of the original records held by them in terms of section 77 of the Act.

(7) The request in terms of subregulation (6) shall be made by an authorised member of the Special Investigation Unit to the MEC of the province concerned.

(8) If the MEC is satisfied with a request in terms subregulation (6) the he or she shall submit such certified copies of the original records to the authorised member of the Special Investigation Unit if the member of the Special Investigation Unit must submit—

- (i) a certified copy of the identity document;
- (ii) a 52B; and
- (iii) a duly completed form RID as shown in Schedule 2, completed by such member.

Amendment of regulation 335 of the Regulations

43. Regulation 335 of the Regulations is hereby amended by the addition of the following subregulation after subregulation (5):

“(6) The traffic register number shall be valid during the validity period of the document submitted in terms of subregulation (1)(b)(i).”.

Substitution of regulation 343A of the Regulations

44. Regulation 343A of the Regulations is hereby amended by the substitution for regulation 343A of the following regulation:

“343A. Transitional provisions: Forms

(1) A form prescribed in Schedule 2 to these regulations prior to 1 January 2005 or any form that is similar to the form prescribed by the regulation concerned, and serving a similar purpose to the form prescribed by the regulation concerned, is equivalent to the corresponding form prescribed in Schedule 2 to these regulations, and shall be deemed to be valid for a period of two years from the date of commencement of these regulations.

(2) If a form prescribed in Schedule 2 to these regulations is substituted, the substituted form shall be deemed to be valid for a period of 12 months from the date of such substitution.”.

Substitution of Schedule 3 of the Regulations

45. Schedule 3 of the Regulations is hereby amended by the substitution for Schedule 3 of the following Schedule:

SCHEDULE 3 / BYLAE 3

AGREEMENT

ENTERED INTO BY AND BETWEEN

THE MEC RESPONSIBLE FOR ROAD TRAFFIC MATTERS

as represented by _____ (Official)

in the Province of _____

and

_____ (testing station proprietor),

_____ (type of legal entity),

Registration Number _____

This Agreement is entered into on the _____ day of _____ 20

_____ at _____ by the _____ (Province).

1.0 Parties to the Agreement.

The parties to this Agreement are:

1.1 the _____ ("the Department"), acting for and on behalf of the _____ Provincial Government, represented herein by _____, Head of Department for the _____ Department of Transport; and

1.2 _____ (name of testing station proprietor), (type of legal entity), registered in terms of the _____ (name of _____ Act) under registration number ("Testing Station"), represented herein by _____ (name of signatory), in his or her capacity as a _____ (legal capacity) of _____ (name of legal entity).

2.0 Statement of Purpose of Agreement between the Department and Testing Station

2.1 The Department is responsible for the overall administration and management of road traffic matters, including but not limited to the registration and grading of testing stations within the Province.

2.2 The Department is responsible for ensuring that public safety is not compromised or jeopardised by the operation of unroadworthy vehicles on roads within the Province.

2.3 The Department is required to ensure that all vehicle testing stations comply with applicable national and provincial laws.

2.4 Section 37 of the National Road Traffic Act, 1996 specifies that no person may operate a testing station unless the testing station is registered and graded.

2.5 Section 38 of the National Road Traffic Act, 1996 requires that any person desiring to operate a testing station must apply in the prescribed manner to the MEC for the registration of the testing station.

- 2.6 Section 39 of the National Road Traffic Act, 1996 provides for the registration and grading of testing stations.
- 2.7 Section 40 of the National Road Traffic Act, 1996 provides for the MEC to suspend or cancel the registration of a testing station, where it no longer complies with the requirements of section 39, such testing station registration shall be suspended or cancelled in terms of this provision.
- 2.8 The MEC is responsible for developing criteria based on the estimated vehicle population and registered testing stations within a geographical service area to determine whether a testing station is necessary and the registration of a testing station will be based on this criteria.
- 2.9 The purpose of this Agreement is to formalise the relationship by and between the Department and the testing station and to establish the terms and conditions, including any restriction, in terms of which the testing station is registered and may be operated.

3.0 Definitions.

For the purpose of this Agreement, unless the context indicates otherwise, the following definitions are set out for the terms indicated:

"Agreement" means this Agreement.

"Change of ownership" means any change in the ownership or structure of the legal entity which owns the Testing Station and includes any change occasioned by the sale, exchange, alienation, cession, hypothecation or disposal of Testing Station.

"Constitution" means the Constitution of Republic of South Africa Act, 1996.

"Department" means the _____;

"Examiner of vehicles" means a person:

- (i) who has successfully completed the prescribed course for examiners of vehicles;
- (ii) who is registered in terms of applicable road traffic legislation as an examiner of vehicles;
- (iii) who is employed by the Testing Station as an examiner of vehicles;

- (iv) who does not have a criminal conviction in terms of Schedule 1 of the Criminal Procedure Act, 1977 (Act No. [51 of 1977](#)) as amended, or any offence related to the issue of roadworthy certificates, roadworthiness certification or the testing of vehicles; and
- (v) whose registration as a vehicle examiner has not been suspended or cancelled by a competent authority, except that in the case of a suspension, the MEC, at its sole discretion, permit the vehicle examiner to be employed after the expiration of the suspension where the Testing Station has made a written request to the MEC, which has given written approval.

"Head of Department" means the public servant, who is the accounting officer and head of the _____ as defined in terms of the Public Finance Management Act, 1999 (Act No. [1 of 1999](#)).

"_____ Road Traffic Act, _____" means the Provincial Road Traffic Act, _____ (Act No. _____ of _____).

"Management representative" means an examiner of vehicles appointed in writing by the Testing Station Proprietor and who:

- (i) has the necessary authority for and responsibility to ensure that the levels of technical and managerial competence required for the successful evaluation of the Testing Station are maintained in terms of the National Road Traffic Act and Regulations;
- (ii) is responsible for the day-to-day management of the Testing Station and supervision of staff of the Testing Station; and
- (iii) from a date to be determined by the Minister, has at least two years proven experience as an examiner of vehicles at a registered vehicle testing station.

"MEC" means the member of the Executive Council in the Province responsible for road traffic, road safety and public transport matters.

"National Road Traffic Act, 1996" means the National Road Traffic Act, 1996 (Act No. [93 of 1996](#)) as amended, including any regulations thereunder.

"NaTIS" means the National Traffic Information System as defined in the National Road Traffic Act, 1996.

“Official” means the Departmental staff member appointed to this position and who reports to the Head of Department or such other person as may be appointed by the Head of Department in terms of this Agreement.

“Party” means the parties to this Agreement.

“Province” means the _____ Province.

“Road traffic legislation” means:

- (i) the National Road Traffic Act, 1996 as amended;
- (ii) the Provincial Road Traffic Act, _____; and
- (iii) any other relevant national and provincial legislation.

“Roadworthy Certificate” means, in relation to a motor vehicle, a certificate issued in terms of [section 42](#) of the Act.

“Roadworthy Test Sheet” means a form completed in terms of Regulation 141 as shown in Schedule 2 by the examiner of vehicles at the Testing Station.

“Testing Station” means _____ (name of testing station), owned by the testing station proprietor at _____ (physical address).

“Testing Station Proprietor” means a legal entity and in the event of the proprietor not being a natural person, for the purpose of any offence in terms of the National Road Traffic Act, 1996 (Act No. [93 of 1996](#)) or the Agreement, proprietor shall include any director, partner or member of such legal entity.

4.0 Interpretation of Agreement.

In this Agreement, unless the context otherwise indicates:

- 4.1 All words and expressions referring to any one gender shall be capable of being construed as a reference to the other gender.
- 4.2 The words signifying the singular shall include the plural and *vice versa*.
- 4.3 A reference to a natural person shall be capable of being construed as a reference to a juristic person and *vice versa*.

- 4.4 Words and phrases defined in this Agreement shall bear the meaning assigned to them throughout this Agreement.
- 4.5 Words and phrases used in this Agreement which are defined or used in any statute which applies to the subject matter, professional person, goods or services provided for in this Agreement shall be construed in accordance with the applicable statute or regulations.
- 4.6 Headings of clauses are for convenience only and shall not aid in the interpretation or modification of clauses within the Agreement.
- 4.7 The parties are bound by applicable provisions of the Constitution and shall act in conformance with relevant sections of the Constitution and national and provincial legislation.
- 4.8 This Agreement shall be subject to and interpreted in terms of applicable provisions of the Constitution and in conformance with the Constitution, national and provincial legislation and the common law.

5.0 Duration of Agreement.

This Agreement shall commence on the ____ day of _____ 20____ and shall remain in force and effect until—

- 5.1 the testing station proprietor notifies the MEC that he or she no longer wishes to operate the testing station; or
- 5.2 the testing station's registration is suspended or cancelled.

6.0 Duties of testing station proprietor

- 6.1 A testing station proprietor shall comply with and fulfil all the duties of a testing station proprietor as prescribed in regulation 137.
- 6.2 The testing station proprietor shall not do a Change of ownership without prior permission from the MEC.

7.0 Copyright and Ownership of Documents and Materials.

- 7.1 All prescribed forms purchased or obtained by the Testing Station, in the fulfilment of the terms of this Agreement shall be and remain the sole property of the Department.

- 7.2 The Testing Station proprietor, including its employees, agent and subcontractors, shall, on oral or written request of the Department, submit any requested documents and materials to the Department within 24 (twenty-four) hours of such request.

8.0 MEC and Departmental Obligations under this Agreement.

- 8.1 The MEC hereby acknowledges that he/she is responsible for receiving the application of the Testing Station proprietor and determining whether the Testing Station complies with registration requirements and, if it complies with registration requirements, how it should be graded in terms of Regulation 135 of the National Road Traffic Act, 1996.
- 8.2 The MEC or his or her designee shall review monthly reports and advise the Testing Station if he has any queries and the time period within which the Testing Station must respond to a query.
- 8.3 The MEC or his designee may review any and all activities of the Testing Station to ensure compliance with national and provincial legislation and may instruct Departmental staff to conduct an evaluation of the Testing Station at any time.
- 8.4 The MEC or his designee may, in terms of Regulation 136 of the National Road Traffic Act, 1996:
- 8.4.1 consider the suspension or cancellation of the registration of the Testing Station; and
 - 8.4.2 suspend or cancel the registration of the Testing Station where it has not complied with the National Road Traffic Act, 1996 and give written reasons for the suspension or cancellation.

9.0 Breach of Agreement.

Each party shall be entitled to utilise any remedy at law in the event of a breach of this Agreement, provided that written notice, providing for an opportunity to rectify the breach within a reasonable period of time, must be timeously submitted by the aggrieved party to the defaulting party.

10.0 Termination of Agreement.

This Agreement shall terminate in terms of clause 5.0.

11.0 Indemnity.

- 11.1 The Testing Station proprietor, including any person acting for or on behalf of the Testing Station proprietor, shall exercise due care and diligence in the performance of its duties in terms of this Agreement and Testing Station shall be liable where it has failed to exercise such due care and diligence.
- 11.2 The Testing Station proprietor has no authority or right to bind the Department and the Testing Station proprietor, including any person acting for or on behalf of the Testing Station proprietor, shall be liable for any action where it seeks to bind the Department.

12.0 General.

- 12.1 This Agreement replaces any previous written or verbal agreement or contracts entered into by the Department or the Testing Station.
- 12.2 This Agreement constitutes the entire contract between the parties and may only be altered or varied in writing.
- 12.3 No party may be bound by any express or implied term, representation, warranty, promise or the like not recorded herein or otherwise created by operation of law.
- 12.4 No alteration of, variation of or amendment to this Agreement shall be of any force and effect unless it is reduced to writing and signed by the parties.
- 12.5 No indulgence or leniency which either party may grant or show the other shall in any way prejudice the granting party or preclude the granting party from exercising any of its rights in the future.

13.0 *Domicilium Citandi et Executandi.*

- 13.1 Any notice in terms of this Agreement may be hand delivered to the physical addresses of the parties, in which event proof of acknowledgment shall be endorsed upon a copy of the notice together with the name of the recipient and date of receipt, or may be sent by registered post to the nominated postal addresses of the parties, in which event a proof of postage issued by the relevant postal authority will serve as proof.
- 13.2 The Testing Station chooses for the purpose of this Agreement its *domicilium citandi et executandi* as follows:

Street Address:

Postal Address:

Telephone Number:

Fax Number:

13.3 The Department chooses for the purpose of this Agreement its *domicilium citandi et executandi* as follows:

Street Address:

Postal Address:

Telephone Number:

Fax Number:

14.0 Costs

Each party shall bear its own costs in the negotiation, preparation and finalisation of this Agreement.

SIGNED AT _____ on the _____ day of _____ 20____.

AS WITNESSES:

DEPARTMENT

1.

print name)

2. _____

print name)

SIGNED AT _____ on the _____ day of
_____ 20_____.

AS WITNESSES:

Testing station proprietor)

1. _____ By
(print name) (print name of signatory),

(title of signatory)

2. _____
(print name).

Substitution of Schedule 4 of the Regulations

46. Schedule 4 of the Regulations is hereby amended by the substitution for Schedule 4 of the following Schedule:

SCHEDULE 4

**MINIMUM REQUIREMENTS FOR REGISTRATION AND RETENTION OF GRADING
OF TESTING STATIONS
as amended by**

Notice	Government Gazette	Date
R. 359	33168	12 May 2010
R. 846	38142	31 October 2014

CONTENTS

1. SCOPE

Matters pertaining to the minimum physical facilities of a vehicle testing station, the personnel, control, testing requirements and operational requirements are prescribed herein.

The grades of vehicle testing stations to which these minimum requirements apply are—

- 1.1 Grade A – authorised and equipped to test and examine any motor vehicle.
- 1.2 Grade B – authorised and equipped to test buses, minibuses and goods vehicles with a gross vehicle mass not exceeding 3 500 kg GVM and any other motor vehicle with a tare not exceeding 3 500 kg.

If such testing station does not comply with all the requirements of this Schedule, the MEC, may place such conditions on the registration certificate as he or she deems necessary and may change the grading of a testing station to a grade A or B, as applicable, if such testing station complies with all the requirements.

2. PHYSICAL REQUIREMENTS

- 2.1 A vehicle testing station must have the equipment and facilities indicated in the table below and must use such equipment to evaluate the roadworthiness of a motor vehicle.

EQUIPMENT / FACILITIES	GRADE A	GRADE B
1. Brake roller tester	10 000 kg capacity	2 000 kg capacity
2. Inspection pit	At least 18 metres, unless such station was registered before 1 February 2000, at least five metres	At least five metres
3. Area for checking rearview field of vision	✓	✓
4. Safe or strong room	✓	✓
5. Hydraulic jack or play detector	10 000 kg capacity	2 000 kg capacity
6. Wheel alignment equipment	10 000 kg capacity	2000 kg capacity
7. Kingpin and fifth wheel gauges	✓	✓

8. Tyre tread depth gauge	✓	✓
9. Vehicle height gauge	✓	✓
10. Measuring tape	30 m	5 m
11. Crow-bar	✓	✓
12. Plumb line	✓	✓
13. Inspection lamp	✓	✓
14. Straight edge	✓	✓
15. Head lamp aim checking device/screen	✓	✓
16. Wheel mass meter	✓	✓
17. Suitable road test area	✓ Turning area for 17.5 metre turning radius	✓ Turning area for 13.1 metre turning radius
18. Vernier gauge	✓	✓
19. NaTIS Terminal	✓	✓

Provided that a testing station registered prior to the implementation of this Schedule, shall comply with the requirements for a play detector as from 31 October 2016.

Provided further that a wheel mass meter shall be capable of being linked to a brake tester and to calculate the brake requirements and provide a printed brake report as from 31 October 2016.

Provided that the area for testing the turning radius need not be on the physical premises of the testing station.

4. PERSONNEL REQUIREMENTS

4.1 MANAGEMENT REPRESENTATIVE

(a) The testing station proprietor shall appoint a management representative who shall be an examiner of vehicles of the same grade as the testing station and registered as such by the MEC, in terms of section 3 of the Road Traffic Act,

1989, (Act No. 29 of 1989) or section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and who has the necessary authority for and responsibility to ensure that the levels of technical and managerial competence required for the successful evaluation of the testing station are maintained in terms of the National Road Traffic Act and Regulations.

The management representative shall be responsible for the day-to-day management of the testing station and supervision of staff of the testing station and from a date to be determined by the Minister, has at least two years proven experience as an examiner of vehicles at a registered testing station.

(b) The provisions of item 4.1 (a) above came into operation with effect from 12 May 2011.

4.2 EXAMINER OF VEHICLES

The testing station proprietor shall appoint at least one examiner of vehicles other than the management representative who was registered and graded in terms of section 3 of the Road Traffic Act, 1989 (Act No. 29 of 1989) or who shall be registered and graded in terms of section 3A of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

4.3 NATIS OFFICER

A person employed by the testing station proprietor as cashier, examiner of vehicles or management representative shall be registered by the MEC of the province concerned as a NaTIS officer, and such person shall sign the NaTIS User Undertaking required to obtain NaTIS access.

5. QUALITY SYSTEM REQUIREMENTS

5.1 Testing stations shall keep all records as required by regulation 331 and filed as follows:

5.1.1 All Application forms (ACR) in daily transaction sequence;

5.1.2 Daily NaTIS detail roadworthiness test report (R171) together with the application forms in 5.1.1.

5.2 A testing station shall comply with the Quality Management System as contemplated in South African National Standard (SANS) 10216: Evaluation of Vehicle test stations.

6. OPERATIONAL REQUIREMENTS

6.1 A management representative shall not examine and test more than 150 motor vehicles per month.

6.2 The testing station proprietor shall by 30 April every year submit a tax clearance certificate.

6.3 A testing station proprietor shall ensure that the applicable equipment is calibrated at the time intervals as shown below:

SUMMARY OF CALIBRATION CERTIFICATES OF EQUIPMENT FOR TESTING STATION				
	EQUIPMENT	Serial number	Calibration date	Calibration Certificate number
1.	Brake roller tester			
2.	Wheel alignment measuring equipment			
3.	Kingpin and fifth wheel gauges			
4.	Axle mass meter			

5.	Height gauge			
6.	Tapes (5 & 30m)			
7.	Tyre tread depth gauge			
8.	Headlight aiming device			
9.	Straight edge			
10.	Vernier gauge			

6.4 Time periods for calibration.

A testing station proprietor shall ensure that the equipment is calibrated at the time intervals as shown in the tables below:

	EQUIPMENT	TIME INTERVALS FOR CALIBRATION
1.	Brake roller tester	12 MONTHS
2.	Wheel alignment equipment	12 MONTHS
3.	Kingpin and fifth wheel gauges	12 MONTHS
4.	Axle mass meter	12 MONTHS
5.	Height gauge	12 MONTHS
6.	Tapes (5 & 30m)	12 MONTHS
7.	Tyre tread depth gauge	12 MONTHS
8.	Headlight aiming device	2 YEARS
9.	Straight edge	12 MONTHS
10.	Vernier gauge	12 MONTHS

6.5 Maximum number of tests

An examiner of vehicles shall not examine and test more than 20 motor vehicles per day (including retests as contemplated in regulation 141(4)).

Short title and commencement

47. These Regulations are published for comments