

ROAD TRAFFIC ACT NO. 29 OF 1989

[View Regulation]

[ASSENTED TO 14 MARCH, 1989]

[DATE OF COMMENCEMENT: 1 JUNE, 1990]

(Unless otherwise indicated)

(English text signed by the acting State President)

This Act has been updated to *Government Gazette* 17603 dated 22 November, 1996.

as amended by

Businesses Act, No. 71 of 1991

[with effect from 24 May, 1991]

Road Traffic Amendment Act, No. 73 of 1991

Road Traffic Second Amendment Act, No. 40 of 1992

Road Traffic Amendment Act, No. 39 of 1993

Road Traffic Second Amendment Act, No. 66 of 1993

Transport General Amendment Act, No. 16 of 1995

[with effect from 5 July, 1995]

National Road Traffic Act, No. 93 of 1996

GENERAL NOTE

This Act has been repealed by section 93 (1) of Act No. 93 of 1996, subject to the provisions in section 93 (2) and (3). Please see the Guideline published by the Department of Transport in *Government Gazette* 21424 of 31 July, 2000 relating to the implementation of the National Road Traffic Act, No. 93 of 1996. Certain sections, as stated, in this guideline, will remain in force and are reproduced below.

1. Definitions.—In this Act, unless the context otherwise indicates—

“**by-law**” means a by-law contemplated in section 133;

“**examiner for drivers’ licences**” means an examiner for drivers’ licences registered and appointed in terms of Chapter I;

“**examiner of vehicles**” means an examiner of vehicles registered and appointed in terms of Chapter I;

“**inspector of licences**” means an inspector of licences appointed in terms of section 3;

“**peace officer**” means a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

“**registering authority**” means a registering authority appointed under section 2;

“**traffic officer**” means a traffic officer appointed under section 3 and any member of the Force as defined in section 1 of the Police Act, 1958 (Act No. 7 of 1958), and for the purposes of Chapters IV, VI, VII and VIII and sections 131 and 135 of this Act includes a peace officer;

CHAPTER I REGISTERING AUTHORITIES AND OFFICERS

2. Appointment of registering authorities.—(1) For the purposes of this Act, the Administrator shall, by notice in the *Official Gazette*, appoint a registering authority for such area and upon such conditions as he may determine from time to time.

(2) The Administrator may combine the area of any registering authority or any portion thereof with the area of another registering authority and may divide the area of a registering authority in areas for two or more registering authorities.

(3) Where, from or after a specific date, a registering authority (in this subsection referred to as a new registering authority) becomes the registering authority for an area previously under the jurisdiction of another registering authority (including a registering authority appointed under a repealed ordinance) any reference in this Act or a repealed ordinance to such other registering authority shall, from or after such date, be construed as a reference to such new registering authority.

(4) The powers and duties conferred or imposed upon a registering authority by or under this Act shall be exercised or performed on behalf of that registering authority by such persons as may be authorized thereto by the registering authority.

3. Appointment of officers.—(1) For the purposes of this Act—

- (a) an Administrator may, subject to the laws governing the Public Service and upon such conditions as he may determine, appoint for the province as many persons as—
 - (i) inspectors of licences;
 - (ii) examiners of vehicles;
 - (iii) examiners for drivers' licences;
 - (iv) traffic officers; and
 - (v) traffic wardens,as he may deem expedient;
- (b) a local authority which is a registering authority may, upon such conditions as the Administrator may prescribe by notice in the *Official Gazette*, appoint for its area so many persons as—
 - (i) inspectors of licences;
 - (ii) examiners of vehicles; and
 - (iii) examiners for drivers' licences,as it may deem expedient;
- (c) any local authority or two or more local authorities may jointly, upon such conditions

as the Administrator may prescribe by notice in the *Official Gazette*, appoint for its area or for their areas jointly, as the case may be, so many persons as traffic officers or reserve traffic officers as such authority or authorities may deem expedient, and such officers shall function—

- (i) within such area or areas; and
- (ii) with the prior approval of the Administrator and subject to the conditions of such approval, outside such area or areas:

Provided that the Administrator may, by notice in the *Official Gazette*, exclude such officers from functioning on any specified public road or portion thereof which is situated within the area of jurisdiction of a local authority;

- (d) any local authority may appoint persons as traffic wardens or as reserve traffic wardens to exercise or perform within its area such powers and duties of a traffic officer as the Administrator may determine: Provided that the Administrator may—
 - (i) make different determinations in respect of different categories of traffic wardens; and
 - (ii) either generally or specifically, impose conditions with regard to the exercise or performance of such powers and duties;
- (e) any person or authority determined by the Administrator by notice in the *Official Gazette*, may, on such conditions and for such areas as may be determined in the notice, appoint any person as an examiner of vehicles.

(2) No person shall be appointed in terms of subsection (1) as an authorized officer unless he has been registered in terms of section 5: Provided that any person who is not so registered may be appointed once on probation as an authorized officer for a period not exceeding 12 months or for such further period as the Administrator may approve, providing it is a condition of appointment that such person shall during such period of probation comply with the competence and registration requirements prescribed for the specific category of appointment.

(Date of commencement of sub-s. (2): 1 January, 1992.)

(3) Any person appointed under subsection (1) as an authorized officer, shall upon his appointment be issued with a certificate of appointment by the Administrator, local authority, person or authority concerned, appointing him.

(4) (a) An authorized officer shall not exercise any power or perform any duty unless he is in possession of his certificate of appointment.

(b) An authorized officer shall produce his certificate of appointment at the request of any person having a material interest in the matter concerned.

4. Application for registration as inspector of licences, examiner of vehicles, examiner for drivers' licences or traffic officer.—(1) A person desiring to be registered as—

- (a) an inspector of licences;
- (b) an examiner of vehicles;
- (c) an examiner for drivers' licences; or
- (d) a traffic officer,

shall apply therefor to the Administrator in the prescribed manner.

(2) An application referred to in subsection (1) shall be accompanied by the prescribed fees.

(Date of commencement of s. 4: 1 January, 1992.)

5. Registration and grading of officers.—(1) If the Administrator is satisfied that an applicant contemplated in section 4 complies with the requirements for competency and registration prescribed in relation to the specific category of application, he shall register such applicant in the prescribed manner: Provided that the Administrator shall, upon the registration of an examiner of vehicles or an examiner for drivers' licences, in the prescribed manner grade such examiner according to his qualifications.

(2) No person shall be registered or continue to be registered in terms of subsection (1) as—

- (a) an examiner of vehicles, if he has or acquires, either directly or indirectly, any pecuniary interest in the manufacture, sale, rebuilding, repair or renovation of motor vehicles;
- (b) an inspector of licences, an examiner for drivers' licences or a traffic officer if he has or acquires, either directly or indirectly, either by himself or through his spouse or partner any pecuniary or related interest in any driving school or in the instruction, training or supervision of learner drivers:

Provided that the Administrator may, notwithstanding the provisions of this subsection, register any person in terms of subsection (1).

(3) Any act performed by any person in the exercise of his powers or the performance of his duties while he was disqualified from being registered by virtue of the provisions of subsection (2) shall not for that reason be invalid.

(4) Any person registered as a traffic officer for a province in terms of subsection (1) shall be deemed to be registered for any other province.

(Date of commencement of s. 5: 1 January, 1992.)

6. Suspension and withdrawal of registration of officer.—The Administrator concerned may suspend or cancel the registration of a person registered in terms of section 5 (1) in the prescribed manner, for such period as he may deem fit, if—

- (a) in the opinion of the Administrator such person is guilty of misconduct in the exercise of his powers or the performance of his duties;
- (b) such person has, for a period of 12 consecutive months, stopped practising as an officer;
- (c) such person has failed to attend within a prescribed period an appropriate refresher course at a training centre approved by the Minister; or
- (d) in the opinion of the Administrator the performance record of such person indicates that he is unsuitable for the exercise of the powers or performance of the duties of an officer of the category in which he is registered.

(Date of commencement of s. 6: 1 January, 1992.)

6A. Right of appeal to Minister.—(1) Any person who is aggrieved at the refusal of the Administrator to register him as an officer or with the suspension or cancellation of his registration as an officer may within 21 days after such refusal, suspension or cancellation in writing appeal to the Minister against such refusal, suspension or cancellation, and such person shall at the same time serve a copy of the appeal on the Administrator.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator

shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

[S. 6A inserted by s. 2 of Act No. 73 of 1991.]

8. Powers and duties of inspector of licences.—In addition to the powers and duties conferred upon him by or under this Act, an inspector of licences may, subject to the provisions of this Act or any other law—

- (a) by notice in writing as prescribed, direct the owner, operator, driver or person in charge of any vehicle, wherever found, which in his opinion does not comply with the requirements for a roadworthy certificate provided for in this Act or in any other law, to produce such vehicle for inspection, examination or testing to an appropriately graded testing station for such class of vehicle at a time and place specified in such notice;
- (b) in respect of any motor vehicle, demand from the owner, operator or driver thereof the production of any document required from such person in respect of that motor vehicle in terms of this Act, or any like document issued by a competent authority outside the Republic;
- (c) require from any instructor—
 - (i) where such instructor is engaged in teaching or instructing another person in the driving of a motor vehicle, forthwith; or
 - (ii) where such instructor is not so engaged, within seven days; to produce evidence of his registration;
- (d) examine any motor vehicle in order to satisfy himself whether it is the motor vehicle in respect of which a document referred to in paragraph (b) was issued;
- (e) impound any document referred to in paragraph (b) which appears to be or which the officer suspects to be invalid or which has been or appears to have been unlawfully altered or defaced or which is being put to unlawful use, and where any document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (f) require the owner, operator, driver or person in charge of any vehicle forthwith to furnish his name and address, and give any other particulars required as to his identification, and where applicable, immediately to produce a professional driving permit;
- (g) demand from any person immediately to produce a licence or any other prescribed authorization authorizing him to drive a motor vehicle, and to produce any other document which he is required to have in respect of any motor vehicle in terms of this Act;

[Para. (g) substituted by s. 3 (b) of Act No. 73 of 1991.]

Wording of Sections

- (h) impound any licence or document produced to him in terms of paragraph (g) which in his opinion may afford evidence of a contravention or evasion of any provision of this Act, and where any licence or document is so impounded, the inspector shall issue a receipt in respect thereof to the person concerned;
- (i) require any person, whether or not such person is in any vehicle, to furnish his name

and address and to give any other particulars required as to his identification, as well as such information as is within his power to furnish and which may lead to the identification of the owner, operator or driver of such vehicle;

- (j) require from any person to furnish him with any information as is within the power of such person to furnish and which may lead to the identification of the driver, owner, operator or person in charge of a vehicle at any time or during any period; or
- (k) at any reasonable time, having regard to the circumstances of the case, without prior notice, and in the exercise of any power or the performance of any duty which in terms of this Act he is authorized or required to exercise or perform, enter any premises on which he has reason to believe that any vehicle is kept.

9. Powers and duties of examiner of vehicles.—(1) An examiner of vehicles may inspect, examine and test any vehicle in order to determine whether it is roadworthy and for that purpose may dismantle the vehicle or any part thereof or its equipment or accessories: Provided that he shall reassemble any vehicle so dismantled unless he is requested by the person in charge of the vehicle not to do so.

(2) An examiner of vehicles may drive any vehicle when necessary in the performance of his duties, if, in the case of a motor vehicle, he is licensed to drive a motor vehicle of the class concerned.

10. Powers and duties of examiner for drivers' licences.—(1) An examiner for drivers' licences shall test any applicant for a learner's licence or driver's licence in the manner and in regard to the matters as prescribed, in order to determine whether such applicant is fit and competent to obtain a learner's or driver's licence for the class of vehicle for which he applies.

(2) No examiner for drivers' licences shall test an applicant for a driver's licence in terms of section 24 unless such examiner himself is licensed to drive a vehicle of the class for which the applicant applies to obtain a driver's licence or of the class as prescribed.

11. Powers and duties of traffic officer.—In addition to the powers and duties conferred upon him elsewhere in this Act, a traffic officer may, subject to the provisions of this Act and any other law—

- (a) exercise or perform any of the powers or duties conferred upon an inspector of licences in terms of section 8;
- (b) when in uniform, require the driver of any vehicle to stop such vehicle;
- (c) inspect, test or cause to be inspected and tested by a person whom he considers competent to do so, any part and the functioning of any vehicle, and the equipment thereof, with a view to ascertaining whether such vehicle or the functioning thereof and the equipment comply with the provisions of this Act: Provided that no such officer or person instructed by such officer to inspect or test such vehicle shall, in the exercise of the authority hereby conferred upon him, dismantle the mechanism or any working parts of any motor vehicle unless he is also a qualified motor mechanic or has passed an examination for examiners of vehicles as prescribed, and if he has so dismantled such vehicle, he shall reassemble the dismantled mechanism or parts unless he is requested by the person in charge of the vehicle not to do so;
- (d) ascertain the dimensions of, the load on, or the mass, axle mass load or axle unit mass load of, any vehicle, or the mass of any combination of vehicles, laden or unladen, and, if necessary for the purpose of ascertaining such mass, require any vehicle or

combination of vehicles to proceed to a massmeter or mass-measuring device, and if the mass of any vehicle or combination of vehicles exceeds the mass allowed in terms of this Act, prohibit the operation of such vehicle or combination of vehicles on a public road until such mass has been reduced or adjusted to comply with this Act: Provided that where the load on a vehicle includes any hazardous substance as contemplated in the Hazardous Substances Act, 1973 (Act No. 15 of 1973), the reduction and handling of the mass should be undertaken in terms of that Act;

- (e) drive any vehicle when necessary in the performance of his duties if, in the case of any motor vehicle, he is licensed to drive a motor vehicle of the class concerned;
- (f) if any person, being the driver or apparently in charge of a vehicle, appears to such officer, by reason of his physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of such vehicle, temporarily forbid such person to continue to drive or be in charge of such vehicle and make such arrangements for the safe disposal of placing of the vehicle as in his opinion may be necessary or desirable in the circumstances;
- (g) regulate and control traffic upon any public road, and give such directions as may, in his opinion, be necessary for the safe and efficient regulation of the traffic and, where he is of the opinion that the driver of a motor vehicle is hampering or impeding the normal flow of traffic on a public road, direct the driver to remove the vehicle from such road and to follow another route with the vehicle;
- (h) require any person to furnish his name and address and give any other particulars which are required for his identification or for any process if such officer reasonably suspects such person of having committed an offence under this Act or if in the opinion of such officer he is able to give evidence in regard to the commission or suspected commission of any such offence;
- (i) in respect of any motor vehicle, demand from the owner, operator or driver thereof to produce any document prescribed in terms of this Act;
- (j) impound any document referred to in paragraph (i) produced to him and which in his opinion may afford evidence of a contravention of or failure to comply with any provision of this Act, and where any document is so impounded, the traffic officer shall issue a receipt therefor to the person concerned;
- (k) require any professional driver or the operator or owner of any motor vehicle to produce for inspection and to have a copy made of—
 - (i) any record or document which that person is required in terms of Part 3 of Chapter III of this Act and to carry or have in his possession or which is required to be affixed to any such motor vehicle; and
 - (ii) any record which that person is required in terms of Part 3 of Chapter III of this Act to preserve;
- (l) at any time enter any motor vehicle of an operator and inspect such vehicle and any recording device installed therein for the purpose of Part 3 of Chapter III of this Act, and inspect and make a copy of any record regarding the vehicle which has been produced by such recording device;
- (m) at any time enter upon any premises on which he has reason to believe that a motor vehicle of an operator is kept or that any record or other document required to be kept in terms of Part 3 of Chapter III of this Act are to be found, and inspect such vehicle, and inspect and copy any such record or document, which he finds there;

- (n) if he has reason to believe that an offence under Part 3 of Chapter III of this Act has been committed in respect of any record or document inspected by him, impound that record or document, and where any document is so impounded, the traffic officer shall issue a receipt therefor to the person concerned;
- (o) inspect any motor vehicle or part thereof and impound any document issued in connection with the registration and licensing of such motor vehicle which relates to such motor vehicle, where it is found that the engine or chassis number of such motor vehicle differs from the engine or chassis number as specified on the document, and direct that such motor vehicle be taken, there and then, to any police station specified by such traffic officer for police clearance, and may, after such clearance has been obtained, return the impounded document to any person who is entitled thereto, or notify the owner of the motor vehicle concerned that such vehicle must be re-registered, as the case may be; and
- (p) require from the owner, operator or driver of a motor vehicle registered or deemed to be registered in any prescribed territory, police clearance in respect of such motor vehicle before allowing that motor vehicle to be taken across the borders of Republic: Provided that the Minister may exempt any owner, operator or driver in the prescribed manner from having to provide such police clearance.

12. Failure to comply with instruction or direction of inspector of licences, traffic officer, examiner of vehicles or peace officer.—(1) No person shall—

- (a) fail to comply with any instruction or direction given to him by an inspector of licences, traffic officer or examiner of vehicles, or obstruct, hinder or interfere with any inspector of licences, traffic officer or examiner of vehicles in the exercise of any power or the performance of any duty under this Act;
- (b) fail to comply with any instruction or direction given to him by a peace officer, or obstruct, hinder or interfere with any peace officer in the exercise of any power relating to a provision of this Act assigned to him under section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (c) in order to compel any person referred to in paragraph (a) or (b) to perform or to abstain from performing any act in respect of the exercise of his powers or the performance of his duties, or on account of such person having performed or abstained from performing such an act, threaten or suggest the use of violence against or restraint upon such person or any of his relatives or dependants, or threaten or suggest any injury to the property of such person or of any of his relatives or dependants.

(2) Whenever the production of any document which is not required to be affixed to a vehicle or to be kept with him in a vehicle by any person is demanded in terms of section 8 (b) or (g) or 11 (i), the production thereof at any police station or office set aside by a competent authority for use by a traffic officer or peace officer, within a period of seven days after being so demanded, shall be deemed to be sufficient compliance with the demand.

(3) Whenever any document is produced in terms of subsection (2) at any police station or office referred to in that subsection, the officer in charge of such police station or office so set aside shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgement of production of such document to the person producing it.

(4) Where a document is not produced in terms of subsection (2) and any process is to be handed to or served upon a person in terms of section 54, 56, 72 or 341 of the Criminal Procedure

Act, 1977, an inspector of licences, traffic officer or peace officer may require the imprint of the left thumb of the person to whom the process relates on such process, and such person shall be obliged to furnish such imprint in the manner and at the place or places on that document and copies thereof as directed by the inspector, officer or examiner concerned: Provided that if it is not possible to obtain the left thumb print of such person, the imprint of any other finger may be required, in which case the finger thus used shall be identified in writing by the inspector, officer or examiner concerned under each imprint of such finger.

13. Impersonating authorized officer or peace officer or inducing any such officer to forsake his duty.—(1) Any person not being an authorized officer or a peace officer shall not by word, conduct or demeanour, pretend that he is an authorized officer or a peace officer.

(2) No person shall connive with or induce or attempt to induce any authorized officer or peace officer to omit to carry out his duty or to commit an act in conflict with his duty.

[S. 13 substituted by s. 4 of Act No. 73 of 1991.]

Wording of Sections

22. Appointment of inspectorate of driver's licence testing centre.—(1) The Minister shall designate a person, an authority or an organization as an inspectorate of driver's licence testing centres.

(2) The powers and duties of the inspectorate in relation to the inspection and the control of standards, grading and functioning of driver's licence testing centres shall be as prescribed.

(Date of commencement of sub-s. (2): 1 January, 1993.)

(3) The Minister may, in order to defray the expenditure incurred by or on behalf of the said inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of inspections carried out in terms of this section.

(Date of commencement of sub-s. (3): 1 January, 1993.)

22A. Right of appeal to Minister.—(1) A department of State or a registering authority which is aggrieved at the refusal of the Administrator to register it as a driver's licence testing centre or at the suspension or cancellation of its registration as a driver's licence testing centre may, within 21 days after such refusal, suspension or cancellation, in writing appeal to the Minister against such refusal, suspension or cancellation, and such appellant shall at the same time serve a copy of the appeal on the Administrator.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

[S. 22A inserted by s. 8 of Act No. 40 of 1992.]

27. Right of appeal to Administrator.—(1) Any person who is aggrieved at the refusal of an examiner for drivers' licences to issue or authorize the issue to him of a learner's or driver's licence, may, within 21 days after such refusal, in writing appeal to the Administrator of the province in which that examiner was appointed as such, and such person shall at the same time serve a copy of the appeal on the examiner concerned.

(2) After receipt of the copy of the appeal referred to in subsection (1), the examiner for drivers' licences concerned shall forthwith furnish the Administrator with his reasons for the refusal to which such appeal refers.

(3) For the purpose of deciding an appeal in terms of subsection (1), the Administrator may appoint any person to examine and test the appellant as to his competency to drive the class of motor vehicle concerned and may, in addition, require each party to the appeal to furnish such information and evidence as he may deem expedient.

(4) The Administrator may after considering the appeal give such decision as he may deem fit.

59A. Right of appeal to Minister.—(1) A person, a department of State or a registering authority who or which is aggrieved at the refusal of the Administrator to register him or it as a testing station or at the suspension or cancellation of his or its registration as a testing station may, within 21 days after such refusal, suspension or cancellation, in writing appeal to the Minister against such refusal, suspension or cancellation, and such appellant shall at the same time serve a copy of the appeal on the Administrator.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit.

[S. 59A inserted by s. 17 of Act No. 40 of 1992.]

61. Appointment of inspectorate of testing stations.—(1) The Minister shall designate a person, authority or organization as an inspectorate of testing stations.

(2) The powers and duties of the said inspectorate of testing stations in relation to the inspection and the control of standards, grading and functioning of testing stations shall be as prescribed.

(Date of commencement of sub-s. (2): 14 February, 1991.)

(3) The Minister may, in order to defray the expenditure incurred by or on behalf of the said inspectorate for the purposes of performing its functions, prescribe fees to be paid in respect of every examination conducted or test carried out in terms of section 64 (2).

(Date of commencement of sub-s. (3): 14 February, 1991.)

80. Appeal to Minister.—(1) Any person who feels aggrieved—

- (a) at the refusal of an Administrator to register him as an operator; or
- (b) at a decision of an Administrator in terms of section 79 (3) (d),

may within 21 days after having received notice of such refusal or decision, in writing lodge an appeal against such refusal or decision, as the case may be, with the Minister, and such person shall at the same time serve a copy of the appeal on the Administrator concerned.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Administrator shall forthwith furnish the Minister with his reasons for the refusal or decision, as the case may be, to which the appeal refers.

(3) The Minister may after considering an appeal in terms of subsection (1) give such decision as he may deem fit.

(Date of commencement of s. 80: 1 July, 1992.)

133. Power of local authority to make by-laws.—(1) Subject to the provisions of any law in relation to the procedure to be followed in the making, approval and promulgation of any by-law by a local authority, and local authority may with the concurrence of the Administrator concerned make

by-laws not inconsistent with the provisions of this Act in respect of—

- (a) the safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;
- (b) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, the stopping with and parking of any vehicle on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;

[Par. (b) substituted by s. 7 of Act No. 71 of 1991.]

Wording of Sections

- (c) the appointment and licensing of parking attendants and the withdrawal of any such licence;
- (d) the driver or conductor of, or other person employed in connection with, a vehicle plying for hire or accepting passengers for hire;
- (e) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, any public road which is not to be used by any vehicle, either generally or at specific times;

[Par. (e) substituted by s. 7 of Act No. 71 of 1991.]

Wording of Sections

- (f) the relative position on a public road of traffic of differing speeds and classes;
- (g) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (h) the loading and off-loading of any vehicle on a public road;
- (i) the rules as to priority of entry of certain motor vehicles into a main thoroughfare;
- (j) the use of a hooter, bell or other warning device and the conditions under which any such warning device may be used within any specified area, whether at all times or during specified periods;
- (k) the appointment of any advisory traffic control board consisting of not fewer than three members to advise the local authority on all questions of traffic control;
- (l) the use of any public road by traffic in general;
- (m) the limitation of the age of drivers of vehicles drawn by animals;
- (n) any form or token which a local authority may deem expedient for the purposes of any by-law, and the nature and extent of any information to be furnished for the purpose of any such form;

(o)

[Para. (o) deleted by s. 27 of Act No. 40 of 1992.]

Wording of Sections

- (p) the enabling of any local authority in the event of any person failing to do anything required of him under any by-law, to do such act and to recover the expenses thereof from the person so in default;

- (q) the mass of any goods which or the number of passengers who or animals which may be conveyed on a pedal cycle;
- (r) the regulation, restriction, prohibition or control of the parking upon public roads of vehicles owned, kept or used by dealers or which have been placed in their custody or under their control in the course of any dealer's business carried on by them; and
- (s) any other matter in regard to which a local authority may make by-laws under this Act.

(2) The power to make by-laws for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose, either absolutely or conditionally.

(3) Any by-law under subsection (1) may be made to apply generally throughout the area of the local authority or within any specified part thereof or to any specified category of vehicle or person.

(4) In so far as any by-law of a local authority, whether made under this Act or any other law, may be inconsistent with any regulation under this Act, the regulation shall prevail.

(5) Any by-law made under this section may provide for penalties for a contravention thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine of R2 000 or imprisonment for a period of six months or both such fine and such imprisonment.

151. Apportionment of fines.—(1) Subject to sections 6 and 8 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), and section 341 (2) (b) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), all fines imposed or moneys estreated as bail in respect of any offence in terms of this Act shall be paid into the appropriate accounts as contemplated in section 82 (1) (c) of the Republic of South Africa Constitution Act, 1983.

(2) All fines imposed and moneys estreated as bail in respect of any offence under any by-law made in terms of this Act shall be paid to the authority to which any such by-law is applicable.
