

Western Cape, South Africa

Western Cape Provincial Road Traffic Administration Act Act 6 of 2012

Legislation as at 7 December 2012

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Western Cape South Africa

Western Cape Provincial Road Traffic Administration Act Act 6 of 2012

Published in Western Cape Provincial Gazette 7068 on 7 December 2012

Assented to on 5 December 2012

**Commenced on 1 June 2013 by Western Cape Provincial
Road Traffic Administration Act: Commencement**

*[This is the version of this document from 7 December 2012
and includes any amendments published up to 12 April 2024.]*

(English text signed by the Premier)

ACT

To regulate certain road traffic matters in the Province; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

1. Definitions

- (1) In this Act, unless the context indicates otherwise—

"**Head of Department**" means the Head of the provincial department responsible for road traffic administration;

"**Minister**" means the Provincial Minister responsible for road traffic administration;

"**National Road Traffic Act**" means the National Road Traffic Act, 1996 ([Act 93 of 1996](#)), and includes the regulations made under that Act;

"**Premier**" means the Premier of the Province;

"**prescribe**" means prescribe by regulation;

"**Province**" means the Province of the Western Cape;

"**regulation**" means a regulation made under this Act; and

"**this Act**" includes the regulations.

- (2) Any word or expression defined in the National Road Traffic Act, but not defined in subsection (1), bears the meaning assigned to it by that Act, unless the context indicates otherwise.

2. Registers and records

- (1) The prescribed registers or records in respect of the payment of fees referred to in section 92(1) of the National Road Traffic Act must be kept by the prescribed institutions or persons.
- (2) The prescribed particulars must be recorded in the prescribed manner in the registers and records referred to in subsection (1).
- (3) An institution or person referred to in subsection (1) must, in the prescribed manner and at the prescribed intervals, furnish the Minister, or any person or body designated by the Minister, with information recorded in a register or record referred to in subsection (1).

3. Copy of entry in register or record to be evidence

- (1) A document purporting to be an extract from, or a copy of, any register or record kept in terms of [section 2](#) and purporting to be certified as such, is in any court admissible as evidence and is *prima facie* proof of the truth of the matters stated in that document without the production of the original register or record from or of which the extract or copy was made.
- (2) The information contained in a register or record kept in terms of [section 2](#) must be furnished on request to—
 - (a) a traffic officer or inspector of licences who requires it for the performance of his or her duties;
 - (b) any person authorised by the Minister to demand such furnishing; or
 - (c) a municipality.
- (3) Any institution or person keeping a register or record in terms of [section 2](#) must at the request of any person and upon payment of the prescribed fee—
 - (a) confirm whether or not certain information corresponds to the information contained in that register or record, if the person requesting it on reasonable grounds requires confirmation of that information; or
 - (b) furnish the information mentioned in paragraph (a) to the person requesting it if that person on reasonable grounds requires that the information be furnished to him or her.

4. Minister may authorise refunds

- (1) The Minister may, if he or she is satisfied that any amount paid by a person was in excess of the amount properly chargeable under this Act, authorise a refund of that amount, or of any part thereof, to that person.
- (2) The Minister may not authorise any refund under this section unless the claim therefor is received by the registering authority concerned or the Province within three years after the date of the payment concerned.

5. Inspections

- (1) The Minister may appoint or authorise any person to carry out an inspection to ensure that the provisions of this Act or the National Road Traffic Act are being complied with.
- (2) A person appointed or authorised in terms of subsection (1) may at any reasonable time enter any premises, with the consent of the owner or a person in charge of the premises or with a warrant issued by a magistrate, to perform any duties in terms of this Act.
- (3) No person may obstruct or hinder any person in the carrying out of any inspection in terms of this section.

6. Signature on documents

- (1) Section 86 of the National Road Traffic Act applies to any signature required in terms of this Act.
- (2) An electronic signature as defined in the Electronic Communications and Transactions Act, 2002 ([Act 25 of 2002](#)), is a valid signature for the purposes of this Act.

7. Minister to prescribe certain fees

The Minister must prescribe and administer the fees referred to in section 92(1) and (4)(a) of the National Road Traffic Act that are payable in respect of any application or request made, or document issued, or any other matter relating to the registration and licensing of motor vehicles.

8. Regulations

- (1) The Minister may make regulations in respect of—
 - (a) any matter required or permitted to be prescribed by this Act;
 - (b) any restrictions in respect of the use of lamps emitting a blue light or of sirens on vehicles operated by any person;
 - (c) the rights and duties of persons using pedal cycles on public roads and the duties of drivers of vehicles to ensure the safety of persons using pedal cycles; or
 - (d) any matter regarded as necessary or expedient for the implementation of this Act.
- (2) The power to make regulations on any matter referred to in subsection (1) includes the power to restrict or prohibit any matter or thing in relation to that matter, either absolutely or conditionally.
- (3) Any regulation may be made to apply generally throughout the Province or within any specified part thereof or to any specified category of vehicle or person.
- (4) Before the Minister makes any regulation, the Minister must cause a draft of the proposed regulation to be published in the *Provincial Gazette* together with a notice calling upon interested persons to lodge in writing, and within a period stated in the notice, but not less than four weeks as from the date of publication of the notice, any objections or representations with the Head of Department.
- (5) If the Minister decides to alter the draft regulations as a result of any objections or representations in terms of subsection (4), it is not necessary to publish the alterations before making the regulations.
- (6) A regulation may provide for penalties for the contravention thereof and also for different penalties in the case of successive or continuous contraventions.

9. Delegation

- (1) The Minister may—
 - (a) delegate to any person any power conferred upon the Minister by or under this Act, except the power to make regulations; and
 - (b) authorise any person to perform any duty assigned to the Minister by or under this Act.
- (2) The Minister may at any time withdraw a delegation or authorisation under subsection (1).

10. Offences and penalties

- (1) A person commits an offence if he or she—
 - (a) contravenes [section 5\(3\)](#); or
 - (b) in connection with the furnishing of any information which, to his or her knowledge, is to be or may be used for any purpose in terms of this Act, makes a declaration or furnishes information which to his or her knowledge is false or in any material respect misleading.
- (2) A person convicted of an offence in terms of subsection (1) is liable to a fine or to imprisonment for a period not exceeding one year.

11. Payment of fees

All fees referred to in [section 7](#) must be paid into the Provincial Revenue Fund.

12. Payment of fines

A fine received in respect of a conviction in terms of [section 10](#) must be paid into the Provincial Revenue Fund.

13. Transitional provisions

A regulation made under the Western Cape Provincial Road Traffic Act, 1998 ([Act 12 of 1998](#)), in respect of a matter referred to in [section 10](#) and in force at the commencement of this Act is regarded as having been made under this Act.

14. Repeal of laws

- (1) The Western Cape Provincial Road Traffic Act, 1998 ([Act 12 of 1998](#)), is repealed.
- (2) The Road Traffic Act, 1989 ([Act 29 of 1989](#)), is repealed in so far as its administration has been assigned to the Province.

15. State bound

- (1) This Act binds the State and any person in the service of the State.
- (2) The Minister may, by notice in the *Provincial Gazette*, exempt the State or any department thereof or any person in the service of the State from any provision of this Act, subject to conditions determined by the Minister.

16. Short title and commencement

This Act is called the Western Cape Provincial Road Traffic Administration Act, 2012, and comes into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette*.