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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 1747

31 December 1997

ROAD TRAFFIC ACT, 1989 (ACT NO. 29 OF 1989) AMENDMENT OF THE ROAD TRAFFIC REGULATIONS

The Minister of Transport has under section 132 of the Road Traffic Act, 1989 (Act No. 29 of 1989), made the regulations in the Schedule.

SCHEDULE

Definition

1. In the Schedule, unless the context otherwise indicates, the expression "the Regulations" means the Road Traffic Regulations published by Government Notice No. R. 910 of 26 April 1990, as amended by Government Notice Nos. R. 1312 of 13 June 1990, R. 1954 of 17 August 1990, R. 2066 of 31 August 1990, R. 2982 of 14 December 1990, R. 125 of 14 February 1991, R. 1059 of 4 June 1991, R. 2694 of 15 November 1991, R. 1695 of 15 June 1992, R. 2803 of 1 October 1992, R. 2895 of 8 December 1992, R. 3172 of 20 November 1992, R. 766 of 30 April 1993, R. 1214 of 1 July 1993, R. 1767 of 20 September 1993, R. 1878 of 18 October 1993, R. 2448 of 24 December 1993, R. 792 of 29 April 1994, R. 1048 of 3 June 1994, R. 1081 of 7 June 1994, R. 1447 of 26 August 1994, R. 1835 of 28 October 1994, R. 352 of 28 February 1995, R. 926 of 30 June 1995, R. 1036 of 14 July 1995, R. 1135 of 28 July 1995, R. 1930 of 15 December 1995, R. 228 of 16 February 1996, R. 832 of 17 May 1996, R. 1076 of 28 June 1996, R. 1448 of 26 August 1996, R. 2112 of 27 December 1996, R. 356 of 28 February 1997, R. 1159 of 5 September 1997 and R. 1238 of 19 September 1997.

Amendment of regulation 175 of the Regulations

2. Regulation 175 of the Regulations is hereby amended by the substitution for paragraph (ii) of paragraph (b) of the definition of "appropriate registering authority" of the following paragraph:

- "(ii) if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, until a registration certificate has been issued in respect of such motor vehicle;"

Amendment of regulation 180 of the Regulations

3. Regulation 180 of the Regulations is hereby amended—

- (a) by the substitution for paragraph (i) of paragraph (a) of subregulation (1) of the following paragraph:

"(i) if the motor vehicle was manufactured, on the date of completion of manufacture of such motor vehicle;"

- (b) by the substitution for paragraph (ii) of paragraph (a) of subregulation (1) of the following paragraph:

"(ii) if the motor vehicle was built by a builder, on the date of completion of the building of such motor vehicle;" and

- (c) by the substitution for paragraph (iv) of paragraph (a) of subregulation (1) of the following paragraph:

"(iv) if the motor vehicle was imported by an importer, on the date of arrival of such vehicle in the Republic or on the date on which such motor vehicle is cleared in terms of the provisions of customs and excise legislation, if applicable;"

Insertion of regulation 187A in the Regulations

4. The following regulation is inserted in the Regulations after regulation 187:

"Application by and appointment of manufacturer or importer as agent of a registering authority"

187A. (1) A manufacturer or importer may for the purposes of section 14C apply to the registering authority in whose area of jurisdiction such manufacturer or importer is engaged in the business of selling motor vehicles, to be appointed an agent of such registering authority with the powers, functions and duties contemplated in regulation 188.

(2) The said registering authority may upon application appoint any registered manufacturer or importer as its agent."

Substitution of regulation 188 of the Regulations

5. Regulation 188 of the Regulations is hereby substituted by the following regulation:
"Manner of registration of motor vehicles by a manufacturer or importer"

188. (1) A manufacturer or importer who is an agent of a registering authority, shall, within 7 days from the date of liability referred to in regulation 180(1) register the motor vehicle manufactured or imported by such manufacturer or importer by recording the particulars in relation to the—

- (a) motor vehicle concerned; and
(b) title holder and owner of such motor vehicle,

in the register of motor vehicles.

(2) The said manufacturer or importer shall record in the register of motor vehicles any change of title holder or owner in respect of every motor vehicle manufactured or imported by him or her, until such time as a registration certificate referred to in regulation 188A has been issued in respect of such motor vehicle.

(3) The said manufacturer or importer shall not be liable for payment of the registration fees referred to in regulation 181(2)(c) in respect of motor vehicles registered by such manufacturer or importer in the manner contemplated in subregulation (1)."

Insertion of regulation 188A in the Regulations

6. The following regulation is inserted in the Regulations after regulation 188:

"Application for first registration certificate in respect of motor vehicle registered by manufacturer or importer

188A. (1) The title holder or owner of a motor vehicle referred to in regulation 188(1), shall prior to the first registration of such motor vehicle apply on form MVR1A or CDV as shown in Schedule 2 to his or her appropriate registering authority for the first registration certificate in respect of that motor vehicle.

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

- (a) the acceptable identification of the title holder or owner of the motor vehicle, whatever the case may be, and in the case of a body of persons, that of his or her proxy and representative and a letter of proxy;
- (b) the appropriate fees which shall be the fees prescribed for a duplicate document as referred to in Schedule 4A;
- (c) the certificate from the manufacturer, builder or importer of such motor vehicle referred to in regulation 181(2)(e);
- (d) any other document required by the Administrator concerned.

(3) On receipt of the said application, the registering authority shall, if satisfied that the application is in order, issue the first registration certificate to the title holder or owner, whatever the case may be, on form RC1 as shown in Schedule 2."

Amendment of regulation 191 of the Regulations

7. Regulation 191 of the regulations is hereby amended—

- (a) by the substitution for subregulation (1) of the following subregulation:

"(1) A motor vehicle which is deemed to be registered in terms of regulation 177 shall be deemed notwithstanding anything to the contrary contained in this Part, to be licensed in terms of this Part."; and

- (b) by the insertion after subregulation (2) of the following subregulation:

"(2A) A motor vehicle which is in a manufacturer's or importer's possession for the purpose of selling or exchanging it in the course of his or her business of selling motor vehicles, which motor vehicle—

- (a) is registered in the manner contemplated in regulation 188(1) by such manufacturer or importer; and

(b) is not operated on a public road, except under a motor trade number, shall be deemed, notwithstanding anything to the contrary contained in this Part, to be licensed in terms of this Part.”.

Amendment of regulation 238D of the Regulations

8. Regulation 238D of the regulations is hereby amended by the substitution for the words preceding the proviso in subregulation (1) of the following words:

“If an application for the registration or licensing of a motor vehicle or licensing of a motor trade number is not made within the period determined in this Chapter, the title holder, owner or holder, as the case may be, shall pay a penalty to the appropriate registering authority, calculated at one tenth of the appropriate fees as shown in Schedule 4A for every month or part of a month during which the fees remain unpaid”.

Substitution of regulation 238Q of the Regulations

9. The Regulations are hereby amended by the substitution for regulation 238Q of the following regulation:

“Motor vehicle in possession of motor dealer deemed to be registered

238Q. A new motor vehicle in the possession of a motor dealer for the purpose of sale thereof, which is not operated on a public road, shall be deemed to be registered up and until 1 April 1998.”.

Amendment of regulation 265E of the Regulations

10. Regulation 265E of the Regulations is hereby amended by the substitution for paragraph (i) of paragraph (b) of subregulation (1) of the following paragraph:

“(i) 1 July 1998 with respect to grade A-testing stations; and”.

Short title and commencement

11. (1) These regulations shall be called the Thirty third Amendment of the Road Traffic Regulations and shall, except for regulations 3, 5, 6, 7 and 9, come into operation on 1 January 1998.

(2) Regulations 3, 5, 6, 7 and 9 of these regulations shall come into operation on 1 February 1998.

DEPARTEMENT VAN VERVOER**No. R. 1747****31 Desember 1997****PADVERKEERSWET, 1989 (WET No. 29 VAN 1989)
WYSIGING VAN DIE PADVERKEERSREGULASIES**

Die Minister van Vervoer het kragtens artikel 132 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie Bylae, tensy uit die samehang anders blyk, beteken die uitdrukking "die Regulasies" die regulasies uitgevaardig by Goewermmentskennisgewing No. R. 910 van 26 April 1990, soos gewysig by Goewermmentskennisgewings Nos. R. 1312 van 13 Junie 1990, R. 1954 van 17 Augustus 1990, R. 2066 van 31 Augustus 1990, R. 2982 van 14 Desember 1990, R. 125 van 14 Februarie 1991, R. 1059 van 4 Junie 1991, R. 2694 van 15 November 1991, R. 1695 van 15 Junie 1992, R. 2803 van 1 Oktober 1992, R. 2895 van 8 Desember 1992, R. 3172 van 20 November 1992, R. 766 van 30 April 1993, R. 1214 van 1 Julie 1993, R. 1767 van 20 September 1993, R. 1878 van 18 Oktober 1993, R. 2448 van 24 Desember 1993, R. 792 van 29 April 1994, R. 1048 van 3 Junie 1994, R. 1081 van 7 Junie 1994, R. 1447 van 26 Augustus 1994, R. 1835 van 28 Oktober 1994, R. 352 van 28 Februarie 1995, R. 926 van 30 Junie 1995, R. 1036 van 14 Julie 1995, R. 1135 van 28 Julie 1995, R. 1930 van 15 Desember 1995, R. 228 van 16 Februarie 1996, R. 832 van 17 Mei 1996, R. 1076 van 28 Junie 1996, R. 1448 van 26 Augustus 1996, R. 2112 van 27 Desember 1996, R. 356 van 28 Februarie 1997, R. 1159 van 5 September 1997 en R. 1238 van 19 September 1997.

Wysiging van regulasie 175 van die Regulasies

2. Regulasie 175 van die Regulasies word hierby gewysig deur paragraaf (ii) van paragraaf (b) van die definisie van "toepaslike registrasie-owerheid" deur die volgende paragraaf te vervang:

- "(ii) indien die vervaardiger of invoerder van sodanige motorvoertuig as 'n agent van 'n registrasie-owerheid aangestel is, sodanige vervaardiger of invoerder, totdat 'n registrasie-sertifikaat ten aansien van sodanige motorvoertuig uitgereik is;"

Wysiging van regulasie 180 van die Regulasies

3. Regulasie 180 van die Regulasies word hierby gewysig—

- (a) deur paragraaf (i) van paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(i) indien die motorvoertuig vervaardig is, op die datum van voltooiing van vervaardiging van sodanige motorvoertuig;"

- (b) deur paragraaf (ii) van paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(ii) indien die motorvoertuig deur 'n bouer gebou is, op die datum van voltooiing van die bou van sodanige motorvoertuig;" en

- (c) deur paragraaf (iv) van paragraaf (a) van subregulasie (1) deur die volgende paragraaf te vervang:

"(iv) indien die motorvoertuig deur 'n invoerder ingevoer is, op die datum van aankoms van sodanige voertuig in die Republiek of

op die datum waarop sodanige motorvoertuig geklaar is ingevolge die doeane en aksynswetgewing, indien van toepassing;”.

Invoeging van regulasie 187A in die Regulasies

4. Die volgende regulasie word ingevoeg in die Regulasies na regulasie 187:
“Aansoek deur en aanstelling van vervaardiger of invoerder as agent van ‘n registrasie-owerheid

187A. (1) ‘n Vervaardiger of invoerder mag vir die doeleindes van artikel 14C aansoek doen by die registrasie-owerheid in die area van jurisdiksie waarvan sodanige vervaardiger of invoerder die besigheid om motorvoertuie te verkoop bedryf, om aangestel te word as agent van sodanige registrasie-owerheid met die bevoegdhede, funksies en pligte beoog in regulasie 188.

(2) Die vermelde registrasie-owerheid mag op aansoek enige geregistreerde vervaardiger of invoerder as sy agent aanstel.”.

Vervanging van regulasie 188 van die Regulasies

5. Regulasie 188 van die Regulasies word hierby vervang deur die volgende regulasie:
“Wyse van registrasie van motorvoertuie deur vervaardiger of invoerder

188. (1) ‘n Vervaardiger of invoerder wie ‘n agent is van ‘n registrasie-owerheid, moet binne 7 dae na die datum van aanspreeklikheid bedoel in regulasie 180(1) die motorvoertuig wat deur sodanige vervaardiger of invoerder vervaardig of ingevoer is registreer deur die besonderhede met betrekking tot—

(a) die betrokke motorvoertuig; en

(b) die titelhouer en eienaar van sodanige motorvoertuig, aan te bring in die register van motorvoertuie.

(2) Die vermelde vervaardiger of invoerder moet enige verwisseling van titelhouer of eienaar ten aansien van elke motorvoertuig deur hom of haar vervaardig of ingevoer, aanbring in die register van motorvoertuie totdat ‘n registrasie-sertifikaat bedoel in regulasie 188A uitgereik is ten aansien van die betrokke motorvoertuig.

(3) Die vermelde vervaardiger of invoerder is nie aanspreeklik vir die betaling van die registrasiegelde bedoel in regulasie 181(2)(c) ten aansien van motorvoertuie deur sodanige vervaardiger of invoerder geregistreer op die wyse beoog in subregulasie (1) nie.”.

Invoeging van regulasie 188A in die Regulasies

6. Die volgende regulasie word ingevoeg in die Regulasies na regulasie 188:

“Aansoek om eerste registrasie-sertifikaat ten aansien van motorvoertuig deur vervaardiger of invoerder geregistreer

188A. (1) Die titelhouer of eienaar van ‘n motorvoertuig bedoel in regulasie 188(1) moet voor die eerste registrasie van sodanige motorvoertuig by sy of haar toepaslike registrasie-owerheid aansoek doen om die eerste registrasie-sertifikaat ten aansien van daardie motorvoertuig, op vorm MVR1A of CDV soos in Bylae 2 aangedui.

(2) ‘n Aansoek bedoel in subregulasie (1) moet vergesel gaan van—

(a) die aanvaarbare identifikasie van die titelhouer of eienaar van die motorvoertuig, wat ookal die geval mag wees, en in die geval van ‘n liggaam van persone, die van sy of haar gevolmagtigde en verteenwoordiger en ‘n volmag;

- (b) die toepaslike gelde wat die gelde is wat vir 'n duplikaat dokument voorgeskryf is soos bedoel in Bylae 4A;
 - (c) die sertifikaat van die vervaardiger, bouer of invoerder van sodanige mototvoertuig bedoel in regulasie 181(2)(e);
 - (d) enige ander dokument deur die betrokke Administrateur vereis.
- (3) By ontvangs van die vermeldde aansoek, moet die registrasie-owerheid, indien tevrede dat die aansoek in orde is, die eerste registrasie-sertifikaat uitreik aan die titelhouer of eienaar, wat ookal die geval mag wees, op vorm RC1 in Bylae 2 aangedui.”.

Wysiging van regulasie 191 van die Regulasies

7. Regulasie 191 van die Regulasies word hierby gewysig—

- (a) deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) ‘n Motorvoertuig wat ingevolge regulasie 177 geag word geregistreer te wees, word, ondanks enige andersluidende bepalings in hierdie Deel vervat, geag ingevolge hierdie Deel gelisensieer te wees.”; en
- (b) deur die volgende subregulasie na subregulasie (2) in te voeg:

“(2A) ‘n Motorvoertuig wat in die besit is van ‘n vervaardiger of invoerder vir die doel om dit te verkoop of verruil in die loop van sy of haar besigheid om motorvoertuie te verkoop, welke motorvoertuig—

 - (a) geregistreer is op die wyse beoog in regulasie 188(1) deur sodanige vervaardiger of invoerder; en
 - (b) nie op ‘n openbare pad gebruik word nie, behalwe kragtens ‘n motorhandelnommer,

word geag, nieteenstaande enige andersluidende bepalings tot die teendeel in hierdie Deel vervat, gelisensieer te wees ingevolge hierdie Deel.”.

Wysiging van regulasie 238D van die Regulasies

8. Regulasie 238D van die Regulasies word hierby gewysig deur die woorde wat die voorbehoudsbepaling in subregulasie (1) voorafgaan deur die volgende woorde te vervang:

“Indien ‘n aansoek vir die registrasie of lisensiëring van ‘n motorvoertuig of die lisensiëring van ‘n motorhandelnommer nie binne die tydperk in hierdie Hoofstuk bepaal, gedoen is nie, betaal die titelhouer, eienaar of houer, na gelang van die geval, ‘n boete aan die toepaslike registrasie-owerheid, bereken op een tiende van die toepaslike gelde soos in Bylae 4A aangedui vir elke maand of deel van ‘n maand waarin die gelde onbetaald bly”.

Vervanging van regulasie 238Q van die Regulasies

9. Die Regulasies word hierby gewysig deur die vervanging van regulasie 238Q deur die volgende regulasie:

“Motorvoertuig in die besit van ‘n motorhandelaar geag geregistreer te wees

238Q. ‘n Nuwe motorvoertuig in die besit van ‘n motorhandelaar vir die doel om dit te verkoop, wat nie op ‘n openbare pad gebruik word nie, word geag geregistreer te wees tot en met 1 April 1998.”.

Wysiging van regulasie 265E van die Regulasies

10. Regulasie 265E van die Regulasies word hierby gewysig deur paragraaf (i) van paragraaf (b) van subregulasie (1) deur die volgende paragraaf te vervang:

"(i) 1 Julie 1998 met betrekking tot graad A-toetsstasies; en".

Kort titel en inwerkingtreding

11. (1) Hierdie regulasies heet die Drie-en-dertigste Wysiging van die Padverkeersregulasies en, met uitsondering van regulasies 3, 5, 6, 7 en 9, tree op 1 Januarie 1998 in werking.

(2) Regulasies 3, 5, 6, 7 en 9 van hierdie regulasies tree op 1 Februarie 1998 in werking.

CONTENTS**INHOUD**

No.	Page No.	Gazette No.	No.	Bladsy No.	Koerant No.
GOVERNMENT NOTICE			GOEWERMENSKENNISGEWING		
Transport, Department of			Vervoer, Departement van		
Government Notice			Goewermentskennisgewing		
R. 1747	Road Traffic Act (29/1989): Amendment of the Road Traffic Regulations.....	1 18592	R. 1747	Padverkeerswet (29/1989): Wysiging van die Padverkeersregulasies	5 18592