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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
GOVERNMENT NOTICE		
Transport, Department of		
<i>Government Notice</i>		
R. 890 National Road Traffic Act (93/1996): Amendment of the National Road Traffic Regulations	3	37048

GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 890

19 November 2013

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

AMENDMENT OF THE NATIONAL ROAD TRAFFIC REGULATIONS

I, **Dipuo Peters**, Minister of Transport, acting in terms of section 75 (6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith makes the regulations in the Schedule.

**Dipuo Peters (MP)****Minister of Transport****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 and R. 758 of 9 October 2013.

Insertion of regulation 1AA in the Regulations

2. The following regulation is inserted after regulation 1A of the Regulations:

“1AA. Requirements for registration as registering authority

The requirements for registration as a registering authority shall be as specified in the standard of the Department “Minimum Service Delivery Standard” published by the Minister by notice in the *Gazette*.”

Amendment of regulation 92 of the Regulations

3. Regulation 92 of the Regulations is hereby amended by the substitution for regulation 92 of the following regulation:

“The requirements for registration as a driving licence testing centre shall be as specified in the manual and standard of the Department “Minimum Requirements for Registration and Grading of Driving Licence Testing Centres” and “Minimum Service Delivery Standard” published by the Minister by notice in the *Gazette*.”

Amendment of regulation 108 of the Regulations

4. Regulation 108 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (5) of the following paragraph:

“(a) subject to regulation 101 (2) (a), a driving licence card shall expire ten years from the date on which it has been ordered from the Card Production Facility: Provided that where a person has applied for a new driving licence card in the manner contemplated in paragraph (b) on or before the expiry date of the driving licence card held by such person, the new driving licence card shall expire ten years from the date after the expiry date of the driving licence card held by such person.”

Amendment of regulation 110 of the Regulations

5. Regulation 110 of the Regulations is hereby amended by the substitution for regulation

110 of the following regulation:

“(5) A licence referred to in section 23 (1) (a) or an international driving permit referred to in section 23 (1) (b) of the Act may, within a period of 5 years, and during the validity thereof, and after the holder thereof returns to the Republic to resume permanent residence or obtains permission in terms of any law for permanent residence in the Republic, be exchanged for a driving licence in terms of subregulation (6) and (7): Provided that the requirements for permanent residency shall not apply to holders of diplomatic permits and treaty permits.”.

Amendment of regulation 115 of the Regulations

6. Regulation 115 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (2) of the following paragraph:

- (a) to a traffic officer, examiner of vehicles or examiner for driving licences in the performance of his or her duties as contemplated in section 3I, 3G and 3H of the Act, respectively;”;

Amendment of regulation 131 of the Regulations

7. Regulation 131 of the Regulations is hereby amended by the addition of paragraph (e) after paragraph (d):

- “(e) compliance with standard of the Department “Minimum Service Delivery Standard” published by the Minister by notice in the *Gazette*.”.

Amendment of Regulation 200 of the Regulations

8. Regulation 200 of the regulations is hereby amended by the substitution for paragraph (d) of subregulation (2) of the following paragraph:

- “(c) the provisions of paragraph (a) shall not apply in respect of a motor vehicle referred to in regulation 4(1), 4(2), 21(1)(e), 21(1)(f), 21(1)(g) and 21(1)(h).”.

Insertion of regulation 312A in the Regulations

9. The following regulation is inserted after regulation 312 of the Regulations:

"312A Requirements for level crossing

A railway level crossing shall comply with SANS 3000 "Railway Safety Management Part 2-2-1: Technical Requirements for Engineering and Operational Standards-Track, Civil and Electrical Infrastructure Part 1: Level Crossings".

Amendment of Regulation 323 of the Regulations

10. Regulation 323 of the regulations is hereby amended by the substitution for paragraph (d) of subregulation (1) of the following paragraph:

- "(d) a motor tricycle having an engine with a cylinder capacity not exceeding 500 cubic centimetres or which is propelled by electrical power or a motor tricycle having an engine with a cylinder capacity not exceeding 500 cubic centimetres and which can transport three or more people including the driver or which is a vehicle as contemplated in paragraph (b) of the definition of motor vehicle in the Act;"

Amendment of regulation 332 of the Regulations

11. Regulation 332 of the Regulations is hereby amended by the substitution for regulation 332 of the following regulation:

"332. Equipment used in ascertaining concentration of alcohol in breath as contemplated in section 65(7) of the Act

(1) The equipment used to ascertain the concentration of alcohol in breath as contemplated in section 65 (7) of the Act shall comply with SANS 1793: "Evidential breath analysers".

(2) In any prosecution for an offence under section 65(5) of the Act a certified copy of a type approval certificate issued in terms of SANS 1793: "Evidential breath analyzers", issued by a person, authority or a body appointed by the Minister by Notice in the *Gazette*, for the measuring instruments shall, by mere production thereof, be prima facie evidence that the equipment complies with the provisions of sub-regulation (3).

(3) For the purposes of this regulation type-approved and type-approval means that a prototype of a specific make and model of equipment has been certified as complying with SANS 1793: "Evidential breath analyzers".

Amendment of regulation 332 of the Regulations

12. Regulation 332 of the Regulations is hereby amended by the substitution for regulation 332 of the following regulation:

"332A. Presumption regarding calibration or verification certificate for equipment used for road traffic law enforcement purposes

Where in any prosecution for an alleged offence in terms of this Act, it is necessary to prove that any equipment used for road traffic law enforcement purposes, was calibrated or verified to establish the accuracy and traceability, of such equipment, a certified copy of a certificate issued by a laboratory that is accredited for such calibration or verification, by the South African National Accreditation System(SANAS), shall by mere production thereof, be prima facie evidence as to such calibration or verification."

Short title and commencement

13. (a) These Regulations are called the Twenty first Amendment to the National Road Traffic Regulations, and shall come into operation on the date of publication in the Gazette, except for—

(b) regulation 2,3,4,7 and 10 which shall come into operation on a date to be determined by the Minister by Notice in the Gazette.

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