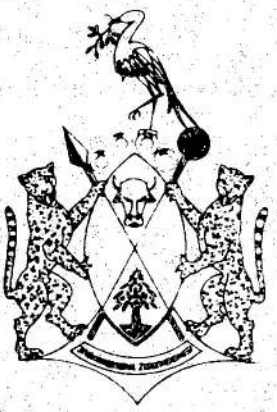
Dup Gaz St. 62



IRIPHABLIKI YECISKEI

REPUBLIC OF CISKEI

IGAZETHI YOBURHULUMENTE

GOVERNMENT GAZETTE

PUBLIC LIBRARY
11 -08- 1983
JOHANNESBURG
OPENBARE BIBLIOTEEK

Dimbaza Printers

Price 10c

Umq. 11 eBISHO No. 64
12 / 08 / 1983

Vol. 11 BISHO No. 64
12 / 08 / 1983

ISEBE LEZOTHUTHO

ISAZISO SIKARHULUMENTE SAMA-57

NGOKWENJENJE KUYAZISWA UKUBA UMONGAMELI UWUVUMILE UMTHETHO OLANDELAYO NOBHENGEZWAYO APHA KUSAZISWA ULUNTU NGOKUBANZI:–

UMTHETHO OSISIHLOMELO WOLAWULO LWEZOTHUTHO EZINDLELENI – 1983

UMTHETHO NOMBOLO 23 WOWE-1983

DEPARTMENT OF TRANSPORT

GOVERNMENT NOTICE NO. 57

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY PUBLISHED FOR GENERAL INFORMATION:–

ROAD TRANSPORTATION CONTROL AMENDMENT ACT, 1983

ACT NO. 23 OF 1983

UMTHETHO OSISIHLOMELO WOLAWULO LWEZOTHUTHO EZINDLELENI, 1983

UMTHETHO

Ehlomela uMthetho woLawulo lwezothutho eziNdleleni, 1982.

(Okubhalwe ngesiNgesi kusayinwe nguMongameli. Kwavunywa ngomhla we 4 Julayi 1983)

MAKWENZIWE UMTHETHO yiNdlu yeNdibano yeSizwe yeRiphabliki yeCiskei, ngolu hlobo:—

Ukuhlonyelwa kwecandelo 1 loMthetho 15 wowe-1982.

1. Icandelo 1 loMthetho woLawulo lwezothutho eziNdleleni, 1982 (othi emva koku kusingiselwe kuwo njengoMthetho oyintloko) ukwenjenje uyahlonyelwa-

(a) ngokufakela kwicandelwana (1) kwingcaciso-magama "yegosa eligunyazisiweyo" endaweni yentetho "icandelo 1(1) loMthetho (wokuzinzisa) woLawulo noloNgamelo looLoliwe naMazibuko, 1957 (uMthetho NO. 70 wowe-1957)" intetho "ecandelo 1 loMthetho woMzantsi Afrika weeNkonzo zoThutho, 1981 (uMthetho 65 wowe-1981).

(b) ngokucinywa kwicandelwana (1) kwengcaciso-magama "yesithuthi esiyimoto esiqeshiweyo".

(c) ngokufakela kwicandelwana (1) endaweni yomhlathi (c) wengcaciso-magama "yothutho ezindleleni" lo mhlathi ulandelayo:

(c) ukuhanjiswa kwabantu kuhola wendlela ngebhasi eqeshiweyo;";

(d) ngokongezwa kumhlathi (1) wecandelwana (2) kwezi meko zoxhomekeko zilandelayo:

"Phantsi kwento ethi ipemethe enjalo iya kuphathwa ngumnini wayo kwisithuthi sempahla esichaphazelekayo ukuba ayiveze kulo neliphina igosa eligunyazisiweyo yaye phantsi kwento ethi ngaphezulu ukusebenza kwaloo pemethe kuya kuphelelwa ngomhla wama-31 kuDisemba 1983 yaye ayinakho ukuba kwalapha ekuhambeni kwexesha ihlaziywe, ihlonyelwe okanye itshintshelwe kuye nawuphina omnye umntu ngumniniyo";

(e) ngokufakela endaweni yomhlathi (m) wecandelwana (2) lo mhlathi ulandelayo:

"(m) ukuhanjiswa nguye nawuphina umntu (ngaphandle kwesithuthi) oqhuba nawuphina umzi-mveliso, urhwebo okanye ishishini, impahla eyiyeyakhe ekuqhubekeni kwaloo mzi-mveliso, urwebo okanye ishishini okanye impahla azimisele ukuyilondoloza, ukuyicoca, ukuyihlaziya, ukuyilungisa okanye ukuyijikela nawuphina omnye umntu ekuqhubekeni kwaloo mzi-mveliso, worwebo okanye ishishini ngesithuthi sempahla (ngaphandle kwetreyila) esinemasa iyonke yesithuthi engadlulanga kumawaka amabini anamakhulu amahlanu eekilogram;";

(f) ngokufakela kwicandelwana (2) emva komhlathi (m) lo mhlathi ulandelayo:

"(mA) ukuhanjiswa ngesithuthi sempahla (ngaphandle kwetreyila) esimasa yaso yesithuthi ingadlulanga kumawaka amabini anamakhulu amahlanu eekilogram ngumthuthi iintsimbi ezingamalela nezixhobo ezizezakhe ezifunelwa ukulungiswa kwezithuthi zakhe, neentsimbi zakhe ezingamelela ezonakeleyo zisiya kumzi wokulungisa zisiya kulungiswa;";

(g) ngokufakela kumhlathi (o) wecandelwana (2) endaweni yamagama "ukuhanjiswa mihla le" amagama "ukuhanjiswa ngeentsuku zesikolo";

(h) ngokufakela kwicandelwana (2) emva komhlathi (o) lo mhlathi ulandelayo:

"(oA) ukuhanjiswa yiyunivesithi, itekniton, ikholeji yobugcisa okanye ikholeji yoqeqeshozititshala (ethi emva koku kusingiselwe kuyo njengeziko lemfundo) kwabafundi bayo nestafu sayo ngeenjongo zemfundi, zenkcubeko okanye imidlalo ngemoto okanye ibhasi eyiyeyalo elo ziko lemfundo okanye ngebhasi ethe ngokwemvumelwano yabekelwa ecaleni ukuba isetyenziswe lelo ziko lemfundo: Phantsi kwento ethi kwimeko yoko kuhanjiswa ngebhasi eqeshwe ngokwemvumelwano, uxwebhu luya kuphathwa kuloo bhasi apho igosa leziko lemfundo elichaphazelekayo eligunyaziselwe oko, liyaqinisekisa ukuba abakhweleyo kuloo bhasi ngabafundi ababhalisiweyo, okanye sisitafu seloo ziko lemfundo;";

(i) ngokufakela endaweni yomhlathi (2) wecandelwana (2) lo mhlathi ulandelayo:

"(2) ukuhanjiswa ngumntu oqhuba nawuphina umzimveliso okanye urhwebo okanye ishishini, ekuqhubekeni kwaloo mzi-mveliso okanye urhwebo okanye ishishini, kummandla onerediyasi engama-80 eekilomitha ukusuka kuyo nayiphina indawo apho aqhuba ngokubonakalayo loo mzi-mveliso, urhwebo okanye ishishini, lempahla eyiyeyakhe okanye azimisele ukuyilondoloza, ukuyicoca, ukuyihlaziya, ukuyilungisa okanye ukuyitshintshela nawuphina omnye umntu ekuqhubekeni kwalo mzi-mveliso, urhwebo okanye ishishini ukususela kuyo nayiphina indawo ekuloo mmandla ukuya kuyo nayiphina indawo eziya kuyo ezo mpahla kuloo mmandla okanye ukuya kuso nasiphina isitishi sikaloliwe kuloo mmandla, neyesithuthi esiyimoto esimnini waso unguloo mntu, esibhaliswe kuloo mmandla uchaphazelekayo phantsi komthetho olawula ukubhaliswa izithuthi eziziimoto nesibona ngendlela emiselwe ngumgaqo, phantsi kwento ethi, kwimeko apho umntu oxeliweyo eqhuba emzi-mveliso wakhe, urhwebo lwakhe okanye ishishini lakhe kwiindawo ezingaphezu kwesinye, indawo ezisuka kuyo iimpahla ezichaphezelekayo nendawo eziya kuyo exeliweyo okanye isitishi sikaloliweyo esixeliweyo esikho kuwo nawuphina omnye ummandla onjalo;";

(j) ngokufakela endaweni yomhlathi (aa) wecandelwana (2) lo mhlathi ulandelayo:

"(aa) ukuhanjiswa kweempahla ezikhuliweyo erhafini ngesithuthi esiyimoto-

(i) esibhaliswe kwiRiphabliki phantsi komthetho olawula ubhaliso lwezithuthi eziziimoto,

(ii) esimnini waso ohlala kwiRiphabliki; kananjalo

(iii) nesaziwa ngendlela emiselwe ngomgaqo.

nguye nawuphina umntu ohlala kwiRiphabliki okanye ikhampani ebhaliswe kwiRiphabliki yaye nothi okanye eqhuba ngokubonakalayo ishishini kwindawo ekwiRiphabliki;";

(k) ngokufakela emva komhlathi (aa) wecandelwana (2) eli candelwana lilandelayo, emihlathi emiyo (bb) no (cc) ngokulandelelana ibe yimihlathi (cc) no (dd).

"(bb) ukuhanjiswa (ngendlela nangemiqathango emiselwe ngumgaqo) kweempahla ezikhululwayo erhafini ukuya nokusuka kwimida yelizwe elililungu leMvumelwano yoMdibaniso weRhafu yezinto ezingenayo neziphumayo okanye yalo naliphina ilizwe okanye ummandla ongene kwimvumelwano neRiphabliki ngokuphathelele ekuhanjisweni kweempahla ezikhululweyo erhafini ngemoto esisithuthi-

(i) esibhaliweyo kwelo lizwe okanye ummandla phantsi komthetho olawula ubhaliso lwezithuthi eziziimoto osebenzayo kwelo lizwe okanye ummandla,

(ii) esimnini waso uhlala kwelo lizwe okanye ummandla, kananjalo

(iii) esaziwa ngendlela emiselwe ngomthetho,

nguye nawuphina umntu ohlala okanye ikhampani ebhaliswe kwelo lizwe okanye ummandla yaye nothi okanye oqhube ishishini ngokucacileyo kwindawo ekwelozwe okanye ummandla;";

Ukuhlonyelwa kwecandelo 2 loMthetho 15 wowe-1982.

2. Icandelo 2 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokufakela endaweni yomhlathi (f) lo mhlathi ulandelayo:

"(f) akwalele ukuhanjiswa kwempahla, okanye kwalo naluphina uhlobo okanye udidi oluchaziweyo lwempahla, phantsi kwayo nayiphina ipemethe yokuhanjiswa kweempahla ekhutshwe phantsi kwalo Mthetho, nakubeni kungakho nayiphina into echasayo equlathwe yiloo pemethe-

(i) ngalo naluphina usuku oluchaziweyo nangesithuba seeyure ezichaziweyo zalo naluphina usuku, kuwo nawuphina ummandla ochaziweyo, ngawo nawuphina umgaqo ochaziweyo; okanye

(ii) ezingalayishwanga kwisithuthi sempahla ngendlela echaziweyo;

Phantsi kwento ethi akukho sithintelo phantsi kwalo mhlathi siya kuthi siqalise ukusebenza phambi kweentsuku ezingamashumi amabini ananye emva kokupapashwa kwesaziso esichaphazelekayo kwi Gazethi;"

Ukuhlonyelwa kwecandelo 6 loMthetho 15 wowe-1982.

3. Icandelo 6 loMthetho oyintloko ukwenjenje liyahlonyenlwa ngokufaka endaweni yemeko sixhomekeko yecandelwana (2) emva kwamagama "ukulingana kweevoti" la amagama "nokuba amalungu anyulwe ukuba abe ngaweqela athabatha inkxaxheba kwezo nkqubo okanye hayi".

Ukuhlonyelwa kwecandelo 8 loMthetho 15 wowe-1982.

4. Icandelo 8 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokufakela kwicandelwana (3) endaweni yala magama "ngokubona kwakhe" la magama "ngokubona kwakhe nangaphandle kokuba athi ngaphambili aneke isaziso kwiqela elinomdla, okanye aliphulaphule".

Ukuhlonyelwa kwecandelo 13 loMthetho 15 wowe-1982.

5. Icandelo 13 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokongeza kumhlathi (b) wecandelwana (2) le mihlathana ilandelayo:

"(iii) ingathi yale ukuqwalasela isicelo sokunikwa, sokuhlaziywa, sokuhlonyelwa okanye sokutshintshelwa komnye umntu kwepemethe kawonke-wonke, ukuba ifomu ekwenziwe kuyo isicelo ayithanga yazaliswa ngokufezekileyo ngendlela emiselwe ngumgaqo; yaye

(iv) ayiyi kuqwalasela sicelo sokunikwa ipemethe kawonke-wonke ngokuphathelele kwisithuthi esiyimoto ekuthi kanti ngokumalunga naso sele kukhutshwe ipemethe eprayvethi okanye kawonke wonke ikhutshelwa omnye umntu ongenguye umceli."

UMTHETHO OSISIHLOMELO WOLAWULO LWEZOTHUTHO EZINDLELENI, 1983

Ukuhlonyelwa kwecandelo 14 loMthetho 15. wowe-1982.

6. Icandelo 14 loMthetho oyintloko ekwenjenje liyahlonyelwa ngokufakwa endaweni yecandelwana (1) eli candelwana lilandelayo:

"(1) Phambi kokuqwalasela nasiphina isicelo sokunikwa, sokuhlonyelwa okanye sokutshintshelwa komnye umntu kwepemethe kawonke-wonke, ibhodi yaloo mmandla iya kwenza ukuba kupapashwe kwiGazethi esi saziso nezo nkcukacha zesicelo zinokuthi zimiselwe ngumgaqo: Phantsi kwento ethi akukho nto iqulathe kweli candelwana iya kuthi ithathwe njengebophelela lebhodi yaloo mmandla ukuba yenze olo papasho kwimeko yaso nasiphina isicelo -

(a) sokuhlaziywa kwepemethe kawonke-wonke; okanye

(b) sokuhlonyelwa kwepemethe kawonke-wonke ukwenzela ukuba kugunyaziswe ukutshintshwa umphelo kwesithuthi esiyimoto esichazwe kuloo pemethe ngesithuthi esiyimoto, kwimeko yesithuthi seempahla, esimthamo waso wokuthwala okanye esimasa yaso iyonke, okanye kwimeko yebhasi, esimthamo waso wokuthwala abahamba ngezithuthi, okanye kwimeko yemoto esimthamo waso ungaphantsi okanye ungaphezulu kwalowo weso sithuthi sibizwe kuqala ngokungekho ngaphezu kweepesenti ezingama 20".

Ukuhlonyelwa kwecandelo 18 loMthetho 15 wowe-1982.

7. Icandelo 18 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokongeza kulo eli candelwana lilandelayo:

"(6) Ibhodi yaloo mmandla ayiyi kuthi isiqwalasele nasiphina isicelo sokunikwa ipemethe eprayiveti ngokuphathelele kwisithuthi esiyimoto ekuthi kanti ngokumalunga naso sekukhutshelwe ipemethe eprayivethi omnye omntu ongenguye umceli".

Ukuhlonyelwa 8 kwecandelo 21 loMthetho 15 wowe-1982.

8. Icandelo 21 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokufakela endaweni yomhlathi (d) wecandelwana (3) lo mhlathi ulandelayo

"(d) inombolo yobhaliso, uhlobo, inombolo yetshesi, unyaka wokwenziwa, udidi, umthamo wokusingatha okanye wokuthwala abahamba ngezithuthi, nomthamo wokuthwala impahla okanye imasa yesithuthi iyonke yesasithuthi esiyimoto, ekhutshelwa sona;"

9. Icandelo 22 loMthetho oyiNtlkoko ukwenjenje liyahlonyelwa ngokongezwa kulo la magama: "yaye ingathi ngesicelo saloo mntu nasekubeni ehlawule loo mrhumo umiselweyo ngumgaqo, umnike ikopi yaloo pemethe ichaphazelekayo, neyazo zonke izihlomelo zayo";

10. Icandelo 23 loMthetho oyintloko ukwenjenje liyahlonyelwa ngokufakela endaweni yecandelwana (2) eli candelwana lilandelayo:

"(2) Kwimeko yepemethe kawonke-wonke okanye yepemethe eprayivethi enikezelwe yibhodi yaloo mmandla ibhodi yaloo mmandla okanye umgcino-sihlalo waloo Bhodi, angathi xa ethe wathanda anike imvume ebhaliweyo yokuba nasiphina isithuthi isiyimoto, esimthamo waso wokulayisha okanye esimasa yesithuthi iyonke, kwimeko yesithuthi sempahla, okanye esimthamo waso wokuthwala abantu abahamba ngesithuthi, kwimeko yebhasi, okanye esimthamo waso wokuhlalisa abantu, kwimeko yesithuthi esiyimoto, ulinganayo okanye ungaphantsi, okanye ungawadluli ngokungaphezu kweepesenti ezingama-20 kulowo weso sithuthi siyimoto iphathelele kuso loo pemethe kawonke-wonke okanye loo pemethe iprayivethi, sisetyenziswe okwelo xesha liqingqiweyo lingekho ngaphezu kweentsuku ezingama-21 inokuthi okanye anokuthi aliqingqe, ngumnini waloo pemethe kuthethwe ngayo

olo thutho ezindleleni lugunyaziswe yiloo pemethe, endaweni yeso sithuthi siyimoto kugqityelwe ukuthethwa ngaso esithe sanakala okanye esithe ngenxa yengozi saroxiswa okwexeshana ekusebenzeni yaye eso sithuthi siyimoto kuthethwe ngaso kuqala siya kuthi ke ngoko, ngokwelo xesha kubhekiselelwe kulo, ngokwenjongo zalo Mthetho sithatyathwe ngokungathi yipemethe ekuthethwe ngayo inxulumene naso;"

Ukuhlonyelwa kwecandelo 30 loMthetho 15 wowe-1982.

11. Icandelo 30 loMthetho oyintloko ukwenjenje liyahlonyelwa;

(a) Ngokufakela kwicandelwana (1) emva komhlathi (c) lo mhlathi ulandelayo:

"(cA) kugunyazisa ibhodi yaloo mmandla, kuyo nayiphina imeko ebona kuyimfuneko okanye kufanelekile kuyo, ukuba ifune ukuba ngaphezu kwemirhumo ekujongwe njalo kuyo kwimihlathi (b) no (c) isixa-mali esimiselwe ngumgaqo, ukuba sihlawulwe ngumntu owenze isicelo sepemethe okanye othe wangenisa izibongozo yaye imisela iimeko apho isixa-mali esihlawulwe njalo siya kuthi sitshone ebhodini, okanye sihlawulwe kwakhona ngokuzeleyo okanye ngokuyinxenye, isixa-mali soko kuhlawulwa kwakhona ngokuyinxenye, neemeko apho oko kuhlawulwa kwakhona, neemeko apho nasiphina isixa-mali esihlawulwe njalo, singathi ekuboneni kwebhodi yaloo mmandla sitshone ngokuzeleyo, okanye sihlawulwe kwakhona ngokuzeleyo okanye ngokuyixenye;"

(b) Ngokufakela endaweni yomhlathi (h) wecandelwana (1) lo mhlathi ulandelayo:

"(h) ngokunikezelwe okanye ukuvezwa kwibhodi yaloo mmandla, phantsi kweemeko ezichaziweyo okanye ngesicelo sebhodi, kwepemethe ethe yaphelelwa lixesha okanye yaphelelwa okanye ethe yarhoxiswa okanye yanqunyanyiswa ngokwaloMthetho okanye emalungiselelo ayo angangqinelaniyo negunya njengoko liqulathwe kwisigqibo sebhodi yaloo mmandla okanye ekuthe ngokuphathelele kuyo kwahlonyelwa igunya.

(c) ngokufakela indaweni yomhlathi (j) wecandelwana (1) lo mhlathi ilandelayo:

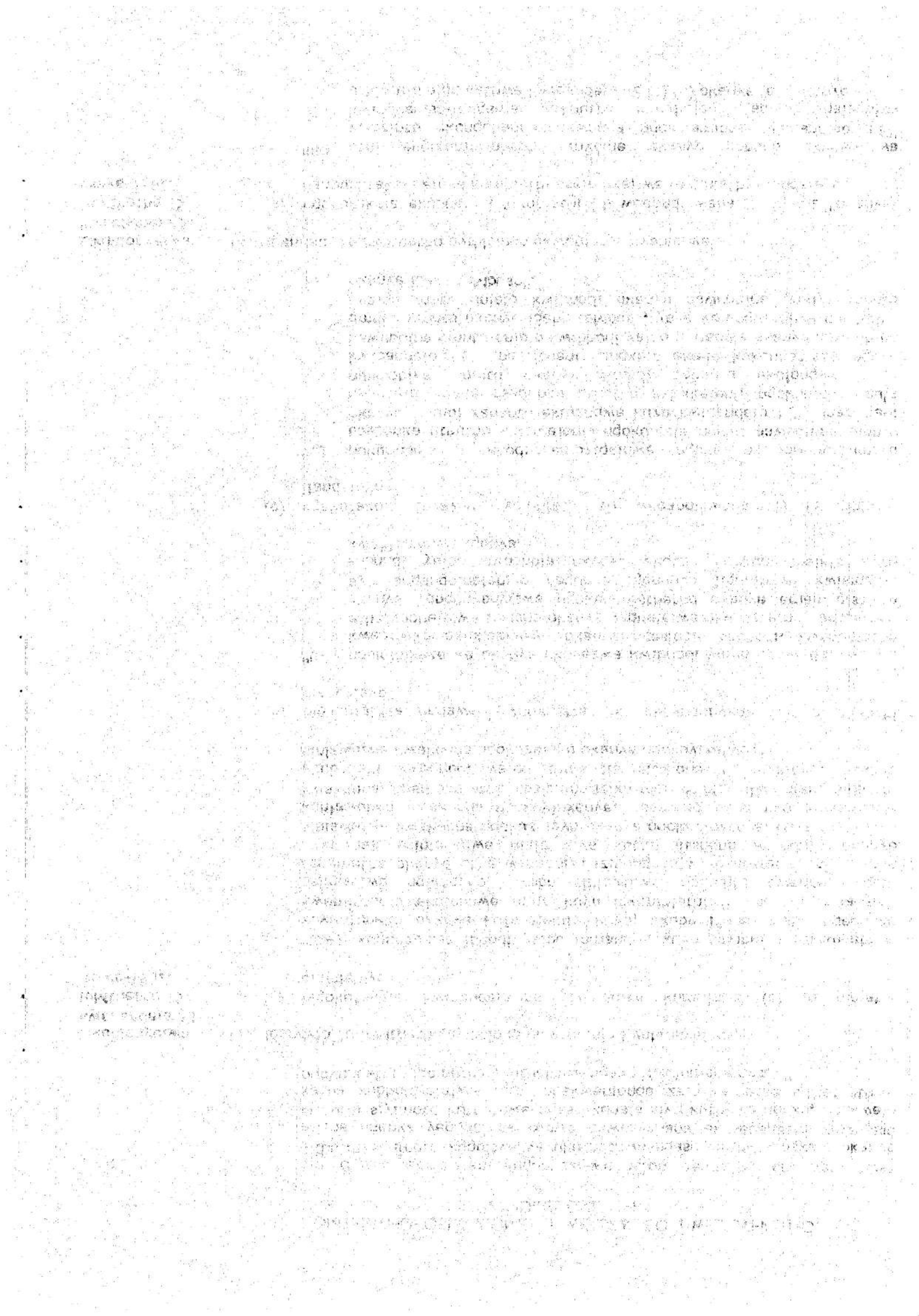
"(j) nokumisela iirekhodi emazigcinwe nguye nawuphina umntu osebenza uthutho ezindleleni, ngokunjalo nguye nawuphina umntu okanye iindidi zabantu ekujongwe kuzo kwicandelo 1 (2) neeritheni nengxelo emele osebenza uthutho ezindleleni, ngokunjalo ngulo nawuphina umntu okanye iindidi zabantu ekujongwe kuzo kwicandelo 1 (2), neeritheni nengxelo emele kukungeniswa nguye nawuphina umntu onjalo kwibhodi yaloo mmandla okanye nawuphina omnye umntu okanye iSebe loMbuso, yaye kulungilelelwa nobhaliso lwaloo mntu unjalo kwibhodi okanye nawuphina omnye umntu okanye iSebe loMbuso",

Ukuhlonyelwa kwecandelo 31 loMthetho 15 wowe-1982.

12. Icandelo 31 loMthetho oyiNtloko ukwenjenje liyahlonyelwa -

(a) ngokufakela ekupheleni komhlathi (d) wecandelwana (1) igama "okanye" nangokufakela emva komhlathi esele uxeliwe lo mhlathi ulandelayo:

"(e) othi engumnini-phepha mvume okanye uqhubo ukuhanjiswa kwezinto okungabandakanywanga ngokwemigaqo yecandelo 1 (2) kwingcaciso-magama yoThutho ezindleleni" aphule naluphina uthintelo oluqulathwe kwicandelo 42 (1) (o) okanye (e); okanye



(f) othi engumnini-pemethe enze ukuba loo pamethe ibe yeyakhe nobanina omnye umntu ukuba enze uthutho ezindleleni olungagunyaziswanga phantsi kwalo Mthetho,", yaye

(b) ngokufakela endaweni yomhlathi (a) wecandelwana (2) lo mhlathi ulandelayo:

"(a) akasayi kufunyanwa netyala phantsi komhlathi (b) icandelwana (1) ngokuphathelele kulo naluphina ukwaphula okanye ukungaphumeleli ukuthobela amalungiselelo imigaqo okanye imfuneko zepemethe yakhe ukuba ukuthobela okanye ukwenza ngokwamalungiselelo imigaqo okanye loo mfuneka ibiza kwenza olo lwaphulo mthetho luchazwe kumhlathi (d) okanye (e) welocandelwana.

Ukuhlonyelwa kwecandelo 32 loMthetho 15 wowe-1982.

13. Icandelo 32 loMthetho oyiNtloko ukwenjenje liyahlonyelwa ngokufakela ekupheleni komhlathi (g) wecandelwana (1) igama "okanye" nangokufakela emva komhlathi ose uxeliwe lemihlathi ilandelayo:

(h) ngenjongo zokukhohlisa enze nayiphina into ebhaliweyo enokuthi isetyenziswe ngokunxulumene nothutho ezindleleni equlathe inkcazo engeyiyo yempahla leyo, esazi ukuba loo nkcazo ayiyiyo inyaniso: okanye

(i) ofumana ipemethe kawonke-wonke okanye ipemethe eprayivethi kwibhodi yaloo ndawo esazi ukuba ipemethe kawonke-wonke okanye ipemethe eprayivethi sele ikhutshelwe omnye umntu ngokuphathelele kweso sithuthi sichaphazelekayo".

Ukuhlonyelwa kwecandelo 37 loMthetho 15 wowe-1982.

14. Icandelo 36 loMthetho oyiNtloko ukwenjenje liyahlonyelwa ngokufakela kwicandelwana (1) endaweni yamagama okuqala kumhlathi (a) la Magama alandelayo:

"Xa umntu efunyenwe enetyala okwesibini okanye isihlandlo esilandela oko ngetyala elinento yokwenza ngokwenza ngokungekho mthethweni uThutho zindleleni (nokuba kuphantsi kwecandelo 31 (1) okanye phantsi kwamalungiselelo afanayo omthetho otshitshiswe licandelo 45) ibhodi yaloo mmandla ingathi - ".

Ukuhlonyelwa kwecandelo 43 lo Mthetho 15 wowe-1982.

15. Icandelo 37 loMthetho oyiNtloko ukwenjenje liyahlonyelwa ngokufakela kwicandelwana (1) lo mhlathi ulandelayo.

"(e) Ukuba libonakalisiwe ukuba nawuphina umntu wenze uthutho ezindleleni ngokuchasene namalungiselelo ecandelo 31 (1) ngokuthi athuthe impahla uthutho olo lungagunyaziswanga yipemethe okanye ukugqinelana namalungiselelo epemethe, kuyathathwa ukuba loo mntu ebezazi ezo mpahla zichaphazelekayo ngaphandle kokuba kuye kwakho ubungqina bokuba naxa aya wenza ngoqwalaselo nokulumka ebengenandlela yakwazi.".

Ukufakelwa endaweni yecandelo 44 loMthetho 15 we1982.

16. Icandelo 42 loMthetho oyiNtloko ukwenjenje liyahlonyelwa ngokufakela kwicandelwana (1) le mihlathi ilandelayo:

11(c) nakubeni kukho nayiphina into echasene noku equlethwe kulo Mthetho, uThutho ezindleleni yinkonzo yothutho yoMzantsi Afrika. ayithintelele ibhodi yaloo mmandla ekuqwalaseleni nasiphina isicelo semvume yokuhambisa abantu, iimpahla okanye udidi okuthile lwempahla eya okanye evela kwindawo ecacisiweyo okanye ummandla okanye phakathi kweehdawo ezixeliweyo okanye umimandla njengoko kucacisiwe kwisibhengezo;

(d) nakubeni kukho nayiphina into echasene noku equlathwe kulo Mthetho okanye ipemethe echaphazelekayo, athintele nawuphina umnini-pemethe ekuhambiseni abantu, iimpahla okanye udidi oluthile lwempahla eya okanye evela kwindawo ecacisiweyo okanye ummandla okanye phakathi kweendawo ezixeliweyo okanye imimandla njengoko icacisiwe kwisibhengezo;

(e) nakubeni kukho nayiphina into echasene noku equlethwe kulo Mthetho, athintele ukuhanjiswa ukuya okanye ukubuya kwindawo ecacisiweyo okanye ummandla okanye phakathi kweendawo ezicacisiweyo okanye imimandla yempahla ethi okanye abantu ngokwemigaqo yecandelo 1 (2) (1) abangabandakanywanga kwingcaciso-magama "uthutho ezindleleni".

Ukutshintshwa kwamagama athile.

17. Icandelo 43 lo Mthetho oyiNtloko ukwenjenje uyahlonyelwa ngokususwa kwicandelwana (1) la magama okufutshane neRhiphabliki."

Intloko emfutshane.

18. Eli candelo lilandelayo ukwenjenje lifakelwa endaweni yecandelo 44 lo Mthetho oyiNtloko:

> 44. Amalungiselelo alo Mthetho aya kusebenza ngokuphathelele kulo naluphina uThutho ezindleleni lwenkonzo yothutho yoMzantsi Afrika ngaphandle kothutho olwenziwa yiNkonzo yothutho loMzantsi Afrika ngesithuthi esiyimoto ethi ke ibe ngumnini-mpahla kummandla wegunya leNkonzo yoThutho yoMzantsi Afrika njengoko ichaziwe kwicandelo 1 loMthetho weNkonzo yezoThutho loMzantsi Afrika 1981.

19. Ngokulawulwa ngamalungiselelo asele exeliwe alo Mthetho uMthetho oyiNtloko ukwenjenje uyahlonyelwa ngokufakela endaweni yamagama "ulawulo lwakwaloliwe" naphina apho avela khona ngala magama "inkonzo yezoThutho yoMzantsi Afrika".

20. LoMthetho uya kubizwa ngokuba nguMthetho osisihlomelo wolawulo kwezothutho eziNdleleni wowe-1983.

ROAD TRANSPORTATION CONTROL AMENDMENT ACT, 1983

ACT

To amend the Road Transporation Control Act, 1982.

(Enligsh text signed by the President. Assented to on 4 July 1983).

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:

Amendment of section 1 of Act 15 of 1982.

1. Section 1 of the Road Transportation Control Act, 1982 (hereinafter referred to as the principal Act) is hereby amended -

(a) by the substitution in subsection (1) in the definition of "authorized officer" for the expression "section 1 (1) of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957)" of the expression "section 1 of the South African Transport Services Act, 1981 (Act 65 of 1981).";

(b) by the deletion in subsection (1) of the definition of "hired motor vehicle";

(c) by the substitution in subsection (1) for paragraph (c) of the definition of "road transportation" of the following paragraph:

"(c) the conveyance of persons on a public road by means of a hired bus;";

(d) by the addition to paragraph (1) of subsection (2) of the following provisos:

"Provided that such permit shall be carried by the holder thereof on the goods vehicle concerned for production on demand to any authorized officer, and provided further that the validity of such permit shall expire on 31 December 1983 and may not in the meantime be renewed, amended or transferred by the holder to any other person.";

(e) by the substitution for paragraph (m) of subsection (2) of the following paragraph:

"(m) the conveyance by any person (except a carrier) who carries on any industry, trade or business, of his own goods in the course of such industry, trade or business or of goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business by means of a goods vehicle (except a trailer) of which the gross vehicle mass does not exceed two thousand five hundred kilograms;";

(f) by the insertion in subsection (2) after paragraph (m) of the following paragraph:

(mA) the conveyance by means of a goods vehicle (except a trailer) of which the gross vehicle mass does not exceed two thousand five hundred kilograms by a carrier of his own spare parts and his own tools required for the repair of his own vehicles, and of his own defective spare parts to a workshop for the repair thereof;";

(g) by the substitution in paragraph (o) of subsection (2) for the words "the daily conveyance" of the words "the conveyance on school days";

(h) by the insertion in subsection (2) after paragraph (o) of the following paragraph:

(oA) the conveyance by a university, technikon, technical college or teachers' training college (hereinafter referred to as an educational institution) of its own students and staff for educational, cultural or sport purposes by means of a motor-car or a bus of which that educational institution is the owner or by means of a bus which in terms of an agreement is set apart for the use of that educational institution: Provided that in the case of such conveyance by means of a bus employed in terms of an agreement, a document shall be carried in that bus in which an official of the educational institution concerned who has been authorized thereto, confirms that the passengers on such bus are enrolled students of, or staff attached to, that educational institution;";

(i) by the substitution for paragraph (z) of subsection (2) of the following paragraph:

"(z) the conveyance by a person who carries on any industry or trade or business, in the course of that industry or trade or business, within an area with a radius of 80 kilometres from any place where he actively carries on such industry, trade or business, of his own goods or of goods which he has undertaken to maintain, clean, renovate, repair or alter for any other person in the course of such industry, trade or business from any place within that area to any destination of those goods within that area or to any railway station within that area, by means of a motor vehicle of which such person is the owner, which is registered within the area concerned under the law governing the registration of motor vehicles and which is identified in the manner prescribed by regulation, provided that, in the case where the said person carries on his industry, trade or business at more than one place, the place from where the goods concerned are being conveyed and the said destination or railway station are not situated in any other such area;";

(j) by the substitution for paragraph (aa) of subsection (2) of the following paragraph:

"(aa) the conveyance of exempted goods by means of a motor vehicle -

(i) which is registered in the Republic under the law governing the registration of motor vehicles;

(ii) whose owner is domiciled within the Republic; and

(iii) which is identified in the manner prescribed by regulation.

by any person domiciled in the Republic or company registered in the Republic and who or which is actively carrying on business from a place situated within the Republic;";

(k) by the insertion after paragraph (aa) of subsection (2) of the following subsection, the existing paragraphs (bb) and (cc) becoming respectively paragraphs (cc) and (dd):

"(bb) the conveyance (in the manner and on the conditions prescribed by regulation) of exempted goods to and from the borders of a member country of the Customs Union Agreement or of any country or territory which has entered into an agreement with the Republic with regard to the conveyance of exempted goods by means of a motor vehicle -

(i) which is registered in such country or territory under the law governing the registration of motor vehicles in force in that country or territory,

(ii) whose owner is domiciled in that country or territory, and

(iii) which is identified in the manner prescribed by regulation,

by any person domiciled or company registered in that country or territory and who or which is actively carrying on business from a place situated in that country or territory;".

Amendment of section 2 of Act 15 of 1982.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (f) of the following paragraph:

"(f) prohibit the conveyance of goods, or of any specified kind or category of goods, under any permit for the conveyance of goods issued under this Act, notwithstanding anything to the contrary contained in such permit -

(i) on any specified day or between specified hours of any day within any specified area or over any specified route; or

(ii) which are not loaded on a goods vehicle in a specified manner;

Provided that no prohibition under this paragraph shall come into operation earlier than twenty-one days after the publication of the relative notice in the Gazette;".

Amendment of section 6 of Act 15 of 1982.

3. Section 6 of the principal Act is hereby amended by the insertion in the proviso to subsection (2) after the words "equality of Votes" of the words "whether co-opted members participate in the proceedings or not".

Amendment of section 8 of Act 15 of 1982.

4. Section 8 of the principal Act is hereby amended by the substitution in subsection (3) for the words "in his descretion" of the words "at his discretion and without giving prior notice to or hearing any interested party".

Amendment of section 13 of Act 15 of 1982.

5. Section 13 of the principal Act is hereby amended by the addition to paragraph (b) of subsection (2) of the following subparagraphs:

"(iii) may refuse to consider an application for the grant, renewal, amendment or transfer of a public permit if the form in which the application is made has not been completed in full in the manner prescribed by regulation; and

(iv) shall not consider an application for the grant of a public permit in respect of a motor vehicle with regard to which a private permit or a public permit has already been issued to some person other than the applicant.".

Amendment of section 14 of Act 15 of 1982.

6. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Before considering any application for the grant, amendment or transfer of a public permit, the local board shall cause to be published in the Gazette such notice and particulars of the application as may be prescribed by regulation: Provided that nothing in this subsection contained shall be construed as obliging the local board to make such publication in the case of any application -

(a) for the renewal of a public permit; or

(b) for the amendment of a public permit so as to authorize the permanent replacement of a motor vehicle specified in that permit by a motor vehicle of which in the case of a goods vehicle the carrying capacity or gross vehicle mass, or in the case of a bus the passenger capacity, or in the case of a motor-car the seating capacity, is equal to or smaller than or exceeds that of the firstmentioned motor vehicle by not more than 20 per cent.".

Amendment of section 18 of Act 15 of 1982.

7. Section 18 of the principal Act is hereby amended by the addition thereto of the following subsection:

"(6) The local board shall not consider any application for the grant of a private permit in respect of a motor vehicle with regard to which a private permit or a public permit has already been issued to some person other than the applicant.".

Amendment of section 21 of Act 15 of 1982.

8. Section 21 of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (3) of the following paragraph:

"(d) the registration number, make, chassis number, year of manufacture, type, seating or passenger capacity, and carrying capacity or gross vehicle mass of the motor vehicle in respect of which it is issued;".

Amendment of section 22 of Act 15 of 1982.

9. Section 22 of the principal Act is hereby amended by the addition thereto of the words "and may, at the request of such a person and upon payment of the fee prescribed by regulation, furnish him with a copy of the permit concerned and of every amendment thereof.".

Amendment of section 23 of Act 15 of 1982.

10. Section 23 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) In the case of a public permit or private permit granted by the local board, the local board or the chairman of that board, may at will grant written permission for any motor vehicle of which the carrying capacity or the gross vehicle mass, in the case of a goods vehicle or the passenger capacity in the case of a bus, the seating capacity in the case of a motor car, is equal to or smaller than or does not exceed by more than 20 per cent that of a motor vehicle to which the public or private permit relates to be used for such fixed period not exceeding 21 days as it or he may determine, by the holder of the permit in question for the road transportation authorized by that permit, in the place of the last-mentioned motor vehicle which has become defective or, due to an accident, has been temporarily withdrawn from service, and the first-mentioned motor vehicle shall thereupon, during the period referred to, for the purposes of this Act be deemed to be the motor vehicle to which the permit in question relates.".

Amendment of section 30 of Act 15 of 1982.

11. Section 30 of the principal Act is hereby amended -

(a) by the insertion in subsection (1) after paragraph (c) of the following paragraph:

"(cA) empowering the local board in any case in which it deems it necessary or expedient, to require that in addition to the fees contemplated in paragraphs (b) and (c) an amount, not exceeding an amount prescribed by regulation, be paid by a person who has applied for a permit or submitted representations objecting to or supporting such an application, before the board considers such application or representations, and prescribing the circumstances in which an amount so paid shall be forfeited or refunded in whole or in part, the amount of such partial refund, and the circumstances in which any amount so paid may in the discretion of the local board be forfeited in whole or be refunded in whole or in part;";

(b) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

"(h) for the surrender or production to the local board, under specified circumstances or at the request of the board, of a permit that has expired or lapsed or has been withdrawn or suspended in terms of this Act or of which the provisions do not correspond with the authority as contained in the decision of the local board or in respect of which the authority has been amended;"; and

(c) by the substitution for paragraph (j) of subsection (1) of the following paragraph:

"(j) prescribing records to be kept by any person engaged in road transportation, as well as by any person or categories of persons contemplated in section 1(2), and returns and information to be submitted by any such person to the local board or any other person or department of State, and providing for the registration of such a person with the board or any other person or department of State;"

Amendment of section 31 of Act 15 of 1982.

12. Section 31 of the principal Act is hereby amended -

(a) by the addition at the end of paragraph (d) of subsection (1) of the word "or" and by the insertion after the said paragraph of the following paragraphs:

"(e) being the holder of a permit or undertaking conveyance which is excluded in terms of section 1(2) from the definition of 'road transportation', contravenes any prohibition contained in a proclamation contemplated in section 42(1)(d) or (e); or

(f) being the holder of a permit, makes that permit available to any other person to undertake road transportation not authorized under this Act,"; and

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

"(a) shall not be convicted under paragraph (b) subsection (1) in respect of any contravention of or failure to comply with a provision, condition or requirement of his permit if adherence to or compliance with the provision, condition or requirement in question would have constituted the offence contemplated in paragraph (d) or (e) of that subsection;".

Amendment of section 32 of Act 15 of 1982.

13. Section 32 of the principal Act is hereby amended by the addition at the end of paragraph (g) of subsection (1) of the word "or" and by the insertion after the said paragraph of the following paragraphs:

"(h) with intent to deceive, makes any writing for use in connection with road transportation containing an incorrect description of the goods concerned, knowing that description to be incorrect; or

(i) obtains a public permit or a private permit from the local board knowing that a public permit or private permit has already been issued to some other person in respect of the vehicle concerned.".

Amendment of section 36 of Act 15 of 1982.

14. Section 36 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

"On a second or subsequent conviction of a person of an offence involving the undertaking of unauthorized road transportation (whether under section 31 (1) or under the corresponding provisions of a law repealed by section 45) the local board may-".

Amendment of section 37 of Act 15 of 1982.

15. Section 37 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraph:

"(e) if it is proved that any person undertook road transportation in contravention of the provisions of section 31 (1) in that he conveyed goods of which the conveyance was not authorized by a permit, or otherwise than in accordance with the provisions of a permit, it shall be presumed that such person knew what the goods concerned were, unless it is proved that in spite of proper care taken by him he could not have known.".

Amendment of section 42 of Act 15 of 1982.

16. Section 42 of the principal Act is hereby amended by the addition to subsection (1) of the following paragraphs:

"(c) notwithstanding anything to the contrary contained in this Act, prohibit the local board from considering any application for a permit for the conveyance of persons, goods or a category of goods to or from a specified place or area or between specified places or areas as specified in the proclamation;

(d) notwithstanding anything to the contrary contained in this Act or the permit concerned, prohibit any holder of a permit to convey persons, goods or a category of goods to or from a specified place or area or between specified places or areas as specified in the proclamation;

(e) notwithstanding anything to the contrary contained in this Act, prohibit the conveyance to or from a specified place or area or between specified places or areas of goods which or persons who are in terms of section 1 (2) (1) excluded from the definition of 'road transportation'.".

Amendment of section 43 of Act 15 of 1982.

17. Section 43 of the principal Act is hereby amended by the deletion in subsection (1) of the words "bordering on the Republic".

Substitution of section 44 of Act 15 of 1982.

18. The following section is hereby substituted for section 44 of the principal Act:

"Road transportation by South African Transport Services.

44. The provisions of this Act shall apply in respect of any road transportation undertaken by the South African Transport Services, except the conveyance by the South African Transport Services by means of a motor vehicle of which it is the owner of goods within the South African Transport Services jurisdiction as defined in section 1 of the South African Transport Services Act, 1981.".

Substitution of certain words.

19. Subject to the foregoing provisions of this Act the principal Act is hereby amended by the substitution for the words "Railways Administration", wherever they occur, of the words "South African Transport Services".

Short title.

20 This Act shall be called the Road Transportation Control Amendment Act, 1983.

OKUQULATHIWEYO		
Inani le-saziso	*Inani lekhasi*	*Inani le-Gazethe*
57		64

ISEBE LEZOTHUTHO

ISAZISO SIKARHULUMENTE SE-57 64

UMTHETHO OSISIHLOMELO WOLAWULO LWEZOTHUTHO EZINDLELENI – 1983

UMTHETHO NOMBOLO 23 WOWE-1983

CONTENTS		
Govt. Notice No.	*Page No.*	*Gazette No.*
57		64

DEPARTMENT OF TRANSPORT

GOVERNMENT NOTICE NO. 57 64

ROAD TRANSPORTATION CONTROL AMENDMENT ACT, 1983

ACT NO. 23 OF 1983