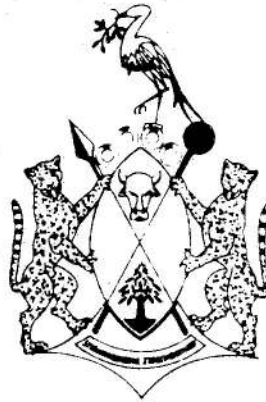


Dap GAZ ST 62

IRIPHABLIKI
YECISKEI

REPUBLIC OF
CISKEI

IGAZETHI
YOBURHULUMENTE



GOVERNMENT
GAZETTE

Dimbaza Printers

Vol. 12

BISHO
10/08/84

Price 10c

No. 74

DEPARTMENT OF TRANSPORT

GOVERNMENT NOTICE No. 60

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

ROAD SAFETY ACT, 1984

ACT NO. 21 OF 1984



ROAD SAFETY ACT, 1984

ACT

To promote road safety, to establish a road safety council and a road safety fund, to impose a levy on certain motor vehicles and to provide for matters incidental thereto.

(English text signed by the President. Assented to on 27 July 1984.)

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

Definitions

1. In this Act, unless the context otherwise indicates — "CMVA Fund" means the CMVA Fund as defined in section 1 (1) of the Compulsory Motor Vehicle Insurance Act, 1983 (Act 4 of 1983);

"Council" means the Road Safety Council established by section 2;

"department" means the Department of Transport;

"financial year" means the period from the first day of April in any year up to and including the thirty-first day of March in the next succeeding year;

"Fund" means the Road Safety Fund established by section 11;

"Gazette" means the Government Gazette of the Republic of Ciskei;

"levy" means the levy imposed by section 14;

"local authority" means a local authority as defined in section 1 of the Ciskeian Road Traffic Act, 1977 (Act 10 of 1977);

"Manager" means the Manager of Road Safety appointed under section 9;

"Minister" means the Minister of Transport;

"regional authority" means a regional authority as defined in section 1 of the Ciskeian Authorities, Chiefs and Headmen Act, 1978 (Act 4 of 1978);

"Republic" means the Republic of Ciskei;

"Treasury" means the Minister of Finance and Economic Development or any officer in his department acting under his authority.

Establishment of Road Safety Council. Constitution of Council

2. There is hereby established a juristic person to be known as the Road Safety Council.
3. (1) The Council shall consist of the following members: —
- (a) the Director-General of the department, who shall be the chairman;
 - (b) the Manager, who shall be the deputy chairman;
 - (c) the Director-General : Department of Education;
 - (d) the Commissioner of the Ciskeian Police;
 - (e) the Director-General : Department of Internal Affairs and Land Tenure;
 - (f) the Director-General - Department of Justice;
 - (g) the Director-General : Department of Works;
 - (h) one person appointed by the Minister on the grounds of his special knowledge of, or training and experience in, road safety;
 - (i) one person appointed by the Minister after consultation with the regional authorities; and
 - (j) one person nominated by any association representative of local authorities or, if no such association exists, appointed by the Minister after consultation with the local authorities.
- (2) A member of the Council appointed under subsection (1) (h), (i) or (j) shall be appointed for such period (not exceeding five years) and on such conditions as the Minister may determine in consultation with the Treasury: Provided that the Minister may, if in his opinion there exist sufficient reason therefor, terminate the services of any such member at any time before the expiry of his period of office.

- (3) The periods and conditions contemplated in subsection (2) may differ in respect of the different members referred to in that subsection.
- (4) If the seat of a member of the Council appointed under subsection (1) (h), (i) or (j) becomes vacant the Minister may, in accordance with the provisions of subsections (1), (2) and (3), appoint a person to fill the vacancy.
- (5) A person whose period of office as member of the Council has expired shall be eligible for reappointment.

*Alternate members
of Council.*

4. (1) A member referred to in section 3 (1) (a), (b), (c), (d), (e), (f) or (g) may appoint an officer of his department or office as an alternate member to act in his place during his absence or incapacity.
- (2) Any member who appoints an alternate member under subsection (1) shall forthwith inform the chairman in writing of such appointment.
- (3) An alternate member, when acting in the place of a member, shall have all the powers and discharge all the duties of that member: Provided that an alternate member acting in the place of the Director-General of the department shall not act as a chairman of the Council unless he is elected as chairman under section 8(2), and provided further that any alternate member acting in the place of the Manager shall not act as deputy chairman of the Council.

*Object of
Council
Functions
of Council*

4. The object of the Council shall be to promote safety on the roads in the Republic.
6. The Council shall —
 - (a) after consultation with scientific and industrial research organisations, whether within or outside the Republic and with the authority responsible for the planning and design of major roads, prepare a comprehensive programme of research into safety on public roads and carry it out systematically and, with the approval of the Minister, assign research projects to persons who, in the opinion of the Council, are best equipped to carry them out;
 - (b) undertake the collection of information in connection with road safety and the making available thereof to the authorities and persons concerned and to the public generally;
 - (c) give guidance regarding road safety in any manner whatsoever which it may deem appropriate;
 - (d) consult with authorities and persons concerned in a road safety system in order to assist the Minister in the co-ordination and application of measures designed to combat road accidents;
 - (e) at the request of the Minister enquire into, and report and make recommendations on, any matter falling within the ambit of this Act;
 - (f) perform such other tasks falling within the contemplation of this Act as the Minister may impose upon the Council;
 - (g) make recommendations to the Minister on the carrying out of a resolution passed by the Council but to which no effect has been given or in respect of which an amendment of the law is required.

*Powers of
Council*

7. For the achievement of its object and the performance of its functions, the Council may —
 - (a) subject to the Minister's approval and with the concurrence of the Treasury in every case, purchase or sell, or acquire or dispose of in any other manner, or hire or let or hypothecate any movable or immovable property;
 - (b) open accounts with banking institutions and, subject to the approval of the Minister acting in consultation with the Treasury, arrange for bank overdrafts;
 - (c) in such manner as the Minister may direct in consultation with the Treasury, invest any moneys not required for immediate use or as a reasonable working balance;
 - (d) produce or acquire publicity material, including films and video-tapes for dissemination by itself or any other person;
 - (e) finance research in connection with road safety;
 - (f) disseminate information in connection with road safety by means of the press, the radio and television;
 - (g) publish a periodical to promote road safety and pay rewards for matter accepted for publication;
 - (h) employ advertising agencies for the promotion of road safety;
 - (i) assist the responsible traffic authorities in the planning and lay-out of grounds for the training of learner motor vehicle drivers;
 - (j) assist in providing training facilities for motor vehicle drivers in cases where such facilities are not provided by the traffic authorities;

*Meetings of
the Council*

- (k) give guidance to associations or bodies of persons having objects similar to those of the Council;
 - (l) organise congresses, symposiums, summer schools and study weeks and if necessary, pay the costs arising therefrom and remunerate persons imparting instruction thereat;
 - (m) with the approval of the Minister, take any other steps that may be necessary to achieve its object.
8. (1) The Council shall meet at such times and places as the chairman or, if he is absent, the deputy chairman may determine, but not less than four times in each year.
- (2) The chairman or, if he is absent the deputy chairman, shall preside at all meetings of the Council and, if both the chairman and the deputy chairman are absent from a meeting of the Council, the members present shall elect a person from among their ranks to preside at such meeting.
- (3) The decision of the members of the Council present at a meeting of the Council shall constitute a decision of the Council and, in the event of an equality of votes on any matter, the person presiding at that meeting shall have a casting as well as a deliberative vote.
- (4) The chairman of the Council shall cause minutes to be kept of all its meetings and a copy of such minutes shall, after confirmation thereof, be forwarded to the Minister.
- (5) Two-thirds of the members of the Council shall constitute a quorum at any meeting thereof.

*Appointment of
Manager of Road
Safety and other
personnel.*

9. (1) Subject otherwise to the laws governing the public service and the provisions of subsection (2), the Minister shall appoint an officer to be styled the Manager of Road Safety as well as such officers and employees as may be necessary to assist the Council in the performance of its functions.
- (2) The person appointed as manager shall be required to have special knowledge of, or training and experience in, road safety.

*Powers, duties
and functions
of Manager.*

10. (1) Subject to the provisions of this Act, the Manager shall, under the general direction and control of the Minister and the chairman of the Council —
- (a) organise, manage, control and supervise the affairs of the Council generally and, during periods between the meetings of the Council may give from time to time, exercise the powers and perform the duties of the Council, but subject nevertheless to the provisions of subsection (2);
 - (b) promote and encourage co-operation between the Council and any other bodies or persons having objects similar to those of the Council, whether within or outside the Republic;
 - (c) ensure compliance with the provisions of any agreement or other arrangement for the supply, exchange or interchange of publicity material by or between the Council and the bodies or persons referred to in paragraph (b);
 - (d) as soon as possible after the end of each financial year prepare and submit to the Council for its consideration a report on the activities of the Council during that financial year; and
 - (e) do all such other things as may be necessary for the achievement of the aims and objects of this Act.
- (2) The Manager shall have no power to set aside or vary any decision of the Council.

*Establishment and
control of Road
Safety Fund.*

11. (1) There is hereby established a fund, to be known as the Road Safety Fund, into which shall be paid —
- (a) all moneys received by the Council by virtue of the provisions of section 14;
 - (b) moneys appropriated by the National Assembly for the purposes of the Council;
 - (c) all other moneys which may accrue to the Council from any other source.
- (2) The Fund shall be administered by the Council, and the moneys in the Fund shall, subject to the provisions of subsections (3) and (5) be utilised to defray the expenses incurred by the Council in the performance of its functions and the exercise of its powers.
- (3) The Council shall not incur any expenses except in accordance with an estimate of expenditure approved by the Minister in terms of subsection (4).
- (4) Once during every financial year at such time as the Minister may direct, the Council shall submit to the Minister for his approval estimates of the income and expenditure of the Council during the ensuing financial year and the Council may also, during the course of a financial year, submit to the Minister for his approval supplementary estimates of expenditure for that year.

- (5) There shall be paid from the Fund into the Ciskeian Revenue Fund, at such times as may be determined by the Minister with the concurrence of the Treasury, such amounts as may likewise be determined as recoverable amounts in respect of expenditure of State money occasioned by the application of the provisions of sections 9 and 12(2).

*Keeping of
records and audit*

12. (1) The Council shall cause proper records to be kept of all its financial transactions and its assets and liabilities, and shall as soon as possible after the end of each financial year, submit to the Minister its audited statements of account and balance sheet, together with the report referred to in section 10(1)(d).

- (2) The accounts of the Council shall be audited annually by the Auditor-General at such remuneration as may be agreed upon or, in the absence of any such agreement, as may be determined by the Treasury.

*Tabling of
reports by
Minister*

13. The Minister shall lay a copy of the report, statements of account and balance sheet submitted to him in terms of section 12(1) on the Table of the National Assembly within thirty days after the receipt thereof if the Assembly is then in ordinary session or, if the Assembly is not then in ordinary session, within thirty days after the commencement of its next ensuing ordinary session.

*Levy on
motor vehicles*

14. (1) A levy at the rate of one rand and fifty cents shall be payable on every motor vehicle, as defined in section 1(1) of the Compulsory Motor Vehicle Insurance Act, 1983 —

- (a) which in terms of section 2(1) of the said Act may not be driven on a public road unless —

(i) it has in terms of section 10, 11 or 12 of the said Act been insured; or

(ii) it has in terms of section 27 of the said Act been exempted from the provisions of the said section 2(1); or

(iii) it is exempt from the provisions of the said section 2(1) by virtue of the provisions of section 2(2)(a) of the said Act; or

- (b) which is referred to in section 2(2)(b) of the said Act and is used on a public road or a place to which the public has access.

- (2) The levy shall be payable by the owner of the motor vehicle in question as defined in section 1(1) of the Compulsory Motor Vehicle Insurance Act, 1983 and —

- (a) in the case of a motor vehicle referred to in subsection (1)(a)(i) or (ii) of this section, in respect of every insurance period, as also so defined, which commences after the commencement of this Act or in respect of any portion of such period for which any such motor vehicle is insured under the said Act or is in terms of section 27 of that Act exempted from the provisions of section 2(1) thereof; and

- (b) in the case of a motor vehicle referred to in subsection (1)(b), in respect of every period from 1 May in any year to 30 April in the following year or any portion of such period during which the motor vehicle is owned.

- (3) For the purpose of the payment of the levy in the case of a motor vehicle referred to in subsection (1)(a)(i) the amount of the premium payable in terms of the Compulsory Motor Vehicle Insurance Act, 1983, for the insurance of a motor vehicle shall be increased by an amount of one rand and fifty cents, and the said amount shall, subject to the provisions of subsection (6), for all purposes be deemed to be portion of the premium.

- (4) For the purposes of the calculation of the levy in the case of insurance in accordance with sections 11 and 12 of the Compulsory Motor Vehicle Insurance Act, 1983, the number of vehicles which the owner in question owns shall be the number agreed upon between himself and the CMVA Fund.

- (5) No token of exemption shall be issued to any person under section 27(3) of the Compulsory Motor Vehicle Insurance Act, 1983, unless such person has paid, in addition to the amount referred to in that subsection, the levy referred to in subsection (1).

- (6) Any amount received by way of levy in terms of this section by the CMVA Fund or any person other than the Council shall once a month be paid over to the Council for payment into the Fund.

- (7) For the enforcement of the provisions of subsection (1)(b) of this section the Council shall —

- (a) in a conspicuous place at all border posts and on all main roads, erect and maintain notice boards and notices drawing attention to the said provisions and indicating where the levy may be paid; and

- (b) generally take such other steps as may be necessary to bring to the notice of the travelling public the existence of the levy and the persons to whom and the places at which it may be paid.

*Offence and
penalty*

15. Any person, who on demand fails or refuses to pay the levy for which he is liable, shall be guilty of an offence and liable on conviction to a fine not exceeding thirty rand.

Regulations

16. The Minister may make regulations as to the convening and control of, and the procedure at, meetings of the Council and, generally, relating to any matter which is in the opinion of the Minister necessary or desirable for the effective carrying out of any of the provisions of this Act or which he considers it necessary to prescribe in order that the aims and objects of this Act may be achieved.

*Repeal of laws
and saving.*

17. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed.
(2) Any action taken or anything done by the competent authority under any provision of a law repealed by subsection (1) shall be deemed to have been taken or done by the appropriate authority under the corresponding provision of this Act.

Short title

18. This Act shall be called the Road Safety Act, 1984.

SCHEDULE

LAWS REPEALED

No. and Year of Law	Short Title
Act 5 of 1983 Act 24 of 1983	Road Safety Act, 1983 Road Safety Amendment Act, 1983

CONTENTS

*Govt.
Notice No.*
60

*Page
No.*

*Gazette
No.*
74

DEPARTMENT OF TRANSPORT

GOVERNMENT NOTICE No. 60

ROAD SAFETY ACT, 1984

(ACT NO. 21 OF 1984)
