



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$4.640

WINDHOEK - 28 September 2004

No.3287

### CONTENTS

*Page*

#### GOVERNMENT NOTICES

|         |                                                                                                 |    |
|---------|-------------------------------------------------------------------------------------------------|----|
| No. 205 | Amendment to Road Traffic and Transport Regulations: Road Traffic and Transport Act, 1999 ..... | 1  |
| No. 206 | Amendment of Road Traffic and Transport Regulations: Road Traffic and Transport Act, 1999 ..... | 11 |

### Government Notices

#### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 205

2004

#### AMENDMENT TO ROAD TRAFFIC AND TRANSPORT REGULATIONS: ROAD TRAFFIC AND TRANSPORT ACT, 1999

The Minister of Works, Transport and Communication has under section 91 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), made the regulations set out in the Schedule.

#### SCHEDULE

1. In these regulations, “the Regulations” means the Road Traffic and Transport Regulations, 2001, as amended by Government Notices No. 97 of 29 May 2001, No. 103 of 01 July 2002, No. 161 of 26 September 2002 and No. 163 of 26 September 2002.

#### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended:

- (a) by the substitution for the definition of “Banks Act, 1965” of the following definition:

“**“Banking Institutions Act, 1998”** means the Banking Institutions Act, 1998 (Act No. 2 of 1998)”;

- (b) by the insertion after the definition of “emergency brake” of the following definition:

“**“fog lamp”** means a lamp which, when used during conditions of mist, snow, rainstorms or sandstorms and -

- (a) when fitted to the front of a motor vehicle, improves the illumination of the road; and
- (b) when fitted to the rear of a motor vehicle, signals to other traffic the position, orientation and movement of the motor vehicle,

without producing undue glare to other traffic;”;

- (c) by the insertion after the definition of “intersection” of the following definition:

“**“issuing authority”** in relation to -

- (a) the issuing of specific licence numbers, means an issuing authority or person designated by the Minister in terms of regulation 36; and
- (b) the issuing of personal licence numbers, means an issuing authority or person designated by the Minister in terms of regulation 37;”;

- (d) by the substitution for the definition of “motorcycle” of the following definition:

“**“motorcycle”** includes -

- (a) a motorcycle having a sidecar attached to it;
- (b) a motor tricycle; and
- (c) a motor quadrucycle;”.

### **General amendment of Regulations**

3. The Regulations are amended by the substitution for the words “Banks Act, 1965” wherever they appear of the words “Banking Institutions Act, 1998”.

### **Amendment of regulation 13 of the Regulations**

4. Regulation 13 of the Regulations is amended by the substitution for paragraph (c) of subregulation (2) of the following paragraph:

- “(c) while it is proceeding, during the period between sunset and sunrise, to a place where repairs to that motor vehicle are to be effected or from a place where repairs to that motor vehicle have been effected.”.

### **Amendment of regulation 16 of the Regulations**

5. Regulation 16 of the Regulations is amended by the addition of the following subregulation:

“(5) A tricycle and a quadrucycle is exempt from the requirements of subregulation (2)(d), until such date as the Minister may determine by notice in the Gazette.”.

**Amendment of regulation 22 of the Regulations**

6. Regulation 22 of the Regulations is amended by the addition of the following subregulation:

“(4) Notwithstanding anything to the contrary contained in these regulations, a registering authority may not register a motor vehicle of which the steering mechanism is positioned on the left hand side of that vehicle.”.

**Amendment of regulation 30 of the Regulations**

7. Regulation 30 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

“(3) Notwithstanding anything to the contrary contained in these regulations, a motor vehicle of which the licence disc issued in respect of that motor vehicle or the licence number allocated to that motor vehicle has expired may, from the date of expiry, continue to operate on a public road for a grace period of 21 days as contemplated in regulation 95 and on condition that the expired licence number and the licence disc are displayed in accordance with regulations 48 and 50 respectively.”.

**Amendment of regulation 48 of the Regulations**

8. Regulation 48 of the Regulations is amended -

(a) by the substitution for paragraph (c) of subregulation (2) of the following paragraph:

“(c) for a motor vehicle of which any Government ministry is the owner, other than a motor vehicle referred to in paragraphs (d), (e), (f) or (g), all letters and figures must be white and the background of the number plate must be a reflective green colour;”;

(b) by the substitution for paragraph (f) of subregulation (2) of the following paragraph:

“(f) for a ceremonial motor vehicle owned by the Government and allocated to the Inspector-General, there must be on that number plate three stars which are -

- (i) gold in colour;
- (ii) 70 mm in diameter each; and
- (iii) similar in design to the stars depicting the rank of a general,

and the background of that number plate must be a reflective blue black colour, which background must be bordered in red;”;

(c) by the insertion after paragraph (g) of subregulation (2) of the following paragraph:

“(h) for a ceremonial motor vehicle owned by the Government and allocated to the Commissioner of Prisons, there must be on that number plate the letters “PS”, which letters must be in a golden colour against a reflective red background, which background must be bordered by a thin golden line.”; and

(d) by the deletion of subparagraph (iii) of paragraph (a) of subregulation (3).

**Amendment of regulation 49 of the Regulations**

**9.** Regulation 49 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) The distinguishing sign for a motor vehicle registered in Namibia and taking part in international traffic as contemplated in the Convention must, subject to subregulation (2), be displayed upon the rear end of a motor vehicle and must consist of the capital letters “NAM”.”.

**Amendment of regulation 50 of the Regulations**

**10.** Regulation 50 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

“(3) A person may not operate a motor vehicle on a public road if the licence disc or anything purporting to be a licence disc displays information, which -

- (a) does not relate to that motor vehicle;
- (b) is obscured or has become illegible, except if that licence disc is temporarily obscured or illegible by reason of a cause beyond the control of the driver of that motor vehicle; or
- (c) is invalid.”.

**Amendment of regulation 60 of the Regulations**

**11.** Regulation 60 of the Regulations is amended by the substitution for subregulation (5) of the following subregulation:

“(5) Notwithstanding anything to the contrary contained in this Part and subject to regulation 64, an expired motor trade number and an expired motor trade number licence disc may, as from the date of expiry referred to in regulation 59, be displayed for a grace period of 21 days as contemplated in regulation 95.”.

**Substitution of regulation 68 of the Regulations**

**12.** The Regulations are amended by the substitution for regulation 68 of the following regulation:

**“Temporary or special permit number system**

**68.** A temporary or special permit number system must comprise of the letter “N” followed by the licence mark of the registering authority as contemplated in regulation 34(2) and followed by six figures and the letter “P”, but where the licence mark of the registering authority concerned ends with the letter “O” the figure following the licence mark may not be the number zero.”.

**Amendment of regulation 69 of the Regulations**

**13.** Regulation 69 of the Regulations is amended -

- (a) by the substitution for subregulation (5) of the following subregulation:

“(5) A motor dealer may not -

- (a) issue a temporary permit which has not been issued to that motor dealer in terms of subregulation (2)(b); or

- (b) issue more than one temporary permit to the same person in respect of the same motor vehicle, unless a further temporary permit is necessitated by administrative failure.”; and

- (b) by the substitution for subregulation (7) of the following subregulation:

“(7) A registering authority may not issue more than one temporary or special permit to the same person in respect of the same motor vehicle, unless a further temporary or special permit is necessitated by administrative failure.”.

#### **Amendment of regulation 92 of the Regulations**

**14.** Regulation 92 of the Regulations is amended by the addition of the following subregulation:

“(6) Notwithstanding anything to the contrary contained in these regulations, a motor vehicle of which the licence or roadworthy certificate has expired may, for the purpose contemplated in regulation 95, continue to operate on a public road for a grace period of 21 days as from the date of expiry on condition that the expired licence disc and roadworthy certificate are displayed in accordance with regulation 50.”.

#### **Amendment of regulation 153 of the Regulations**

**15.** Regulation 153 of the Regulations is amended -

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

“(1) Subject to subregulations (2) and (3), a registering authority may not issue a licence disc in respect of a -

- (a) used motor vehicle of which the owner has changed;
- (b) motor vehicle in respect of which a notice to discontinue operation was issued in terms of regulation 163;
- (c) motor vehicle built up from parts by a builder who is not required to register as such under these regulations;
- (d) motor vehicle referred to in regulation 44(1), which was reconstructed or altered;
- (e) motor vehicle imported into Namibia by an importer who is not required to register as such under these regulations;
- (f) motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer which is not registered in terms of regulation 81 or which is registered under the condition referred to in regulation 75(b)(ii);
- (g) goods vehicle with a gross vehicle mass which exceeds 3500 kilograms;
- (h) breakdown vehicle;
- (i) bus;
- (j) minibus -
  - (i) with a gross vehicle mass which exceeds 3500 kilograms; or

- (ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver;
  - (k) motor vehicle used for the conveyance of persons for reward;
  - (l) motor vehicle referred to in regulation 16(2)(f) in respect of which the certificate issued by the manufacturer referred to in that regulation does not contain the model number referred to in that regulation;
  - (m) motor vehicle which has been found to be unroadworthy in terms of regulation 164(1)(a); or
  - (n) motor vehicle regarded as unroadworthy in terms of regulation 164(2)(a) due to no reaction within 35 days after issue of a notice referred to in that regulation,

unless that motor vehicle is certified to be roadworthy as contemplated in regulation 156(2), within a period of one month prior to that motor vehicle being licenced.”;
- (b) by the substitution for paragraph (c) of subregulation (3) of the following paragraph:

“(c) a motor vehicle other than a motor vehicle referred to in paragraphs (g), (h), (i), (j) and (k) of subregulation (1) of which the ownership of that motor vehicle has changed within six months after the date of liability for the first licensing of the motor vehicle; or”; and
- (c) by the addition of the following subregulation:

“(4) Subregulation (1) does not apply to -

  - (a) a motor vehicle referred to in paragraphs (c) or (d) of subregulation (2);
  - (b) a motor vehicle which is operated under the authority of a motor trade number or special permit;
  - (c) a hearse; or
  - (d) a motor vehicle owned by the Namibian Police or by the Namibian Defence Force and which motor vehicle is designed for combat support and which, by virtue of that design, does not comply with Parts 3, 4, and 5 of Chapter 5.”.

#### **Amendment of regulation 156 of the Regulations**

**16.** Regulation 156 of the Regulations is amended -

- (a) by the deletion of subregulation (1); and
- (b) by the substitution for subregulation (4) of the following subregulation:

“(4) If after the examination and testing of a motor vehicle the vehicle examiner is of the opinion that the motor vehicle is not roadworthy that examiner must provide the applicant with reasons for his or her opinion and may allow the applicant to remedy any defect in that motor vehicle within a period determined by him or her, but not exceeding 14 days after the date of the examination and testing, and if the examiner is thereafter so satisfied he or she must certify the motor vehicle as roadworthy as contemplated in subregulation (2).”.

**Substitution of regulation 157 of the Regulations**

17. The Regulations are amended by the substitution for regulation 157 of the following regulation:

**“Issue of roadworthy certificate**

157. On receipt of an application for the licensing of a motor vehicle referred to in regulation 153(1) the registering authority must, if satisfied that a licence disc may be issued in respect of the motor vehicle concerned, issue a licence disc and roadworthy certificate on the approved form referred to in regulation 32(2)(e) in respect of that motor vehicle.”.

**Substitution of regulation 158 of the Regulations**

18. The Regulations are amended by the substitution for regulation 158 of the following regulation:

**“Document deemed to be a roadworthy certificate**

158. Subject to section 58(4) of the Act, in the case of a motor vehicle which is not registered in Namibia, a roadworthy certificate issued in terms of regulation 156(2)(b) or in terms of similar legislation in the country where that motor vehicle is registered is deemed to be a roadworthy certificate for a period of 12 months from the date of issue thereof.”.

**Amendment of regulation 159 of the Regulations**

19. Regulation 159 of the Regulations is amended -

(a) by the substitution for subregulation (4) of the following subregulation:

“(4) Where a vehicle examiner or traffic officer notifies the owner of a motor vehicle that that motor vehicle’s roadworthy certificate is void the owner of that motor vehicle must, as soon as is reasonably possible, return the licence disc of that motor vehicle or if the licence disc and the roadworthy certificate of that motor vehicle are contained in separate documents the owner of that motor vehicle must return both that licence disc and that roadworthy certificate to the registering authority concerned.”; and

(b) by the deletion of subregulation (7).

**Substitution of regulation 160 of the Regulations**

20. The Regulations are amended by the substitution for regulation 160 of the following regulation:

**“Period of validity of roadworthy certificate**

160. A roadworthy certificate issued in respect of a motor vehicle contemplated in regulation 157 is valid from the date of issue thereof until the date on which the licence disc issued in respect of the motor vehicle concerned becomes void as referred to in regulation 29 or expires in terms of regulation 33.”.

**Deletion of regulation 161 of the Regulations**

21. The Regulations are amended by the deletion of regulation 161 of the Regulations.

**Amendment of regulation 162 of the Regulations**

**22.** Regulation 162 of the Regulations is amended by the substitution for the word “Minister” wherever it appears of the word “Commission”.

**Amendment of regulation 173 of the Regulations**

**23.** Regulation 173 of the Regulations is amended by the substitution in subregulation (1) for the words “licence plate lamps” of the words “number plate lamps”.

**Amendment of regulation 232 of the Regulations**

**24.** Regulation 232 of the Regulations is amended by the substitution for subregulation (6) of the following subregulation:

“(6) The driver of a motor vehicle being operated on a public road must ensure that -

- (a) every adult being conveyed in that motor vehicle complies with subregulations (4) and (5); and
- (b) every child seated on a seat of that motor vehicle –
  - (i) uses an appropriate child restraint, if available in that motor vehicle; or
  - (ii) wears, in the instance where no child restraint is available, a seatbelt if an unoccupied seat fitted with a seatbelt is available.”.

**Amendment of regulation 240 of the Regulations**

**25.** Regulation 240 of the Regulations is amended -

- (a) by the substitution for paragraph (g) of the following paragraph:

“(g) any combination of motor vehicles, if the overall length thereof, including any drawbar or coupling exceeds 22 metres, but this paragraph does not apply to a breakdown vehicle while towing any other motor vehicle,”; and

- (b) by the addition of the following proviso to that regulation:

“but, equipment fitted to the front of a vehicle referred to in paragraph (c), (f) or (g), other than the bumper fitted by the manufacturer of the motor vehicle concerned, to protect its bodywork and lighting equipment and which increases the overall length of that vehicle by not more than 300mm may not be taken into account for the purposes of calculating the overall length of that motor vehicle.”.

**Substitution of regulation 241 of the Regulations**

**26.** The Regulations are amended by the substitution for regulation 241 of the following regulation:

**“Restriction on combination of motor vehicles**

**241.** (1) A person may not operate on a public road any combination of motor vehicles -

- (a) other than a drawing vehicle and one or two trailers;



- (b) other than a motor vehicle drawing one other motor vehicle which is not a trailer, but in the case of an emergency service vehicle a trailer and one other vehicle may be drawn;
- (c) consisting of a trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane, if the combined length of the trailer, including any drawbar or coupling and the rear overhang of the drawing vehicle exceeds three comma one metres;
- (d) if the length of a drawbar of any trailer in such combination, where that trailer has more than one axle, exceeds two metres, but in the case of an underslung coupling the drawbar may exceed two metres: Provided the distance between the two vehicles does not exceed two comma five metres; or
- (e) if the drawing vehicle is a motorcycle, other than a quadrucycle,

but, subject to regulation 258(2) any combination of vehicles may be towed by a breakdown vehicle if the brake system of the towed combination, excluding the drawing vehicle of that combination, is functional and co-ordinated with the working of the brakes of the breakdown vehicle.

(2) For the purposes of paragraph (a) of subregulation (1), a converter dolly is not, when used in combination with a semi-trailer, deemed to be a trailer.

(3) If the drawing vehicle referred to in subregulation (1) is a motor quadrucycle the gross vehicle mass of the trailer may not be more than the tare of the drawing vehicle.”.

#### **Substitution of regulation 243 of the Regulations**

**27.** The Regulations are amended by the substitution for regulation 243 of the following regulation:

##### **“Overall height of vehicle and load**

**243.** A person may not operate on a public road a motor vehicle together with any load thereon, if the overall height -

- (a) in the case of a double-decker bus exceeds four comma six five metres;
- (b) in the case of a motor vehicle of which the gross vehicle mass exceeds 3500 kilograms exceeds four comma three metres; and
- (c) in the case of a motor vehicle of which the gross vehicle mass does not exceed 3500 kilograms exceeds three metres.”.

#### **Amendment of regulation 263 of the Regulations**

**28.** Regulation 263 of the Regulations is amended by the substitution for the date “1 January 1999” of the date “1 January 2002”.

#### **Amendment of regulation 284 of the Regulations**

**29.** Regulation 284 of the Regulations is amended -

- (a) by the deletion of the word “or” after the end of paragraph (a) of subregulation (2);
- (b) by the substitution for the full stop at the end of paragraph (c) of subregulation (2) of the word “;or”; and

(c) by the addition to subregulation (2) of the following paragraph:

“(d) a motor vehicle referred to in paragraphs (c), (d) and (e) of subregulation (1), if the operator of that motor vehicle is the holder of a temporary permit issued in terms of the Road Transportation Act, 1977 (Act No. 74 of 1977).”.

#### **Amendment of regulation 324 of the Regulations**

**30.** Regulation 324 of the Regulations is amended by the substitution for paragraph (b) of subregulation (1) of the following paragraph:

“(b) 100 kilometers per hour, subject to the proviso of that section, applies to a motor vehicle contemplated in regulation 284(1)(c) and (d).”.

#### **Amendment of regulation 337 of the Regulations**

**31.** Regulation 337 of the Regulations is amended by the substitution for the words “she or she” in paragraph (b) of subregulation (1) of the words “he or she”.

#### **Amendment of regulation 341 of the Regulations**

**32.** Regulation 341 of the Regulations is amended by the substitution for paragraph (j) of subregulation (1) of the following paragraph:

“(j) permit any person or animal to occupy the roof, any step or running board or any other place on top of the vehicle while it is in motion, but this paragraph does not apply to the driver of a refuse removal vehicle or a fire-fighting vehicle used in the execution of his or her duties;”.

#### **Amendment of regulation 343 of the Regulations**

**33.** Regulation 343 of the Regulations is amended by the deletion of subregulation (10).

#### **Amendment of Schedule 1 of the Regulations**

**34.** The Regulations are amended by the substitution for the table of fees contained in Schedule 1 of the following table of fees:

“

| <b>Item No.</b> | <b>Transaction</b>                                                             | <b>Fee-<br/>N\$</b> | <b>Empowering<br/>provision</b>                  |
|-----------------|--------------------------------------------------------------------------------|---------------------|--------------------------------------------------|
| 1.              | Application for registration as authorised officer                             | 35.00               | Regulation 4                                     |
| 2.              | Issue of registration certificate to an authorised officer                     | 30.00               | Regulation 6                                     |
| 3.              | Application for registration as manufacturer, builder or importer              | 30.00               | Regulation 73                                    |
| 4.              | Application for registration as number plate manufacturer                      | 200.00              | Regulation 78                                    |
| 5.              | Registration as manufacturer, builder or importer or number plate manufacturer | 600.00              | Regulation 83(1)                                 |
| 6.              | Fee per motor vehicle design                                                   | 600.00              | Regulation 83(2)                                 |
| 7.              | Application for registration as driving testing center                         | 200.00              | Regulation 102                                   |
| 8.              | Application for learner's licence (including test)                             | 45.00               | Regulation 113                                   |
| 9.              | Issue of learner's licence                                                     | 35.00               | Regulation 115                                   |
| 10.             | Application for driving licence                                                | 110.00              | Regulations 116, 118, 121, 123, 124, 126 and 132 |
| 11.             | Application for professional authorization                                     | 30.00               | Regulation 128                                   |

|     |                                                                  |        |                                |
|-----|------------------------------------------------------------------|--------|--------------------------------|
| 12. | Issue of driving licence of any code                             | 155.00 | Regulation 118                 |
| 13. | Duplicate driving licence                                        | 155.00 | Regulation 120                 |
| 14. | Application for temporary driving licence                        | 25.00  | Regulation 123                 |
| 15. | Application for instructor's certificate                         | 125.00 | Regulation 138                 |
| 16. | Issue of instructor's certificate                                | 30.00  | Regulation 138                 |
| 17. | Application for registration as vehicle testing station          | 150.00 | Regulation 144                 |
| 18. | Application for roadworthy certificate or certificate of fitness | 100.00 | Regulation 154 and Schedule 5  |
| 19. | Issue of roadworthy certificate or certificate of fitness        | 30.00  | Regulation 156 and Schedule 5  |
| 20. | Issue of chassis or engine number                                | 20.00  | Regulation 91                  |
| 21. | Notification of identity of operator                             | 40.00  | Regulation 286                 |
| 22. | Application for duplicate operator card                          | 30.00  | Regulation 286                 |
| 23. | Cost of confirming information per item                          | 15.00  | Regulation 99                  |
| 24. | Issue of duplicate document or token                             | 30.00  | Section 91(2)(xxvi) of the Act |
| 25. | Registration as authorized user                                  | 20.00  | Regulation 377                 |

”.

## MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 206

2004

### AMENDMENT TO ROAD TRAFFIC AND TRANSPORT REGULATIONS: ROAD TRAFFIC AND TRANSPORT ACT, 1999

The Minister of Works, Transport and Communication has under section 91 of the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999), made the regulations set out in the Schedule.

#### SCHEDULE

**1.** In these regulations, “the Regulations” means the Road Traffic and Transport Regulations, 2001, promulgated under Government Notice No. 53 of 30 March 2001, as amended by Government Notices No. 97 of 29 May 2001, No. 103 of 01 July 2002, No. 161 of 26 September 2002, No. 163 of 26 September 2002 and No. 205 of 28 September 2004.

#### Amendment of regulation 29 of the Regulations

**2.** Regulation 29 of the Regulations is amended -

(a) by the substitution for paragraph (h) of the following paragraph:

“(h) on which a specific licence number is issued in terms of regulation 36;” and

(b) by the addition of the following paragraphs:

“(i) on which a personalised licence number is issued in terms of regulation 39 or transferred in terms of regulations 39B, 39C, 39D, or 39E;

(j) of surrender of a personalised licence number as contemplated in regulation 39F;

(k) on which a personalised licence number becomes void in terms of regulation 41(1)(b) and (c);

(l) where a decision in terms of regulation 42(6) includes an order for the cancellation of a personalised licence number, of such order for cancellation; and

- (m) determined by the Minister in any circumstances not contemplated in this regulation.”.

#### **Amendment of regulation 30 of the Regulations**

- 3. Regulation 30 of the Regulations is amended -
  - (a) by the substitution for paragraph (g) of the following paragraph:

“(g) on which the licence of a motor vehicle becomes void as stipulated in terms of regulation 29(i)(j)(k)(l)(m);”; and
  - (b) by the addition of the following paragraph:

“(h) determined by the Minister in any circumstances not contemplated in this subregulation.”.

#### **Amendment of regulation 31 of the Regulations**

- 4. Regulation 31 of the Regulations is amended by the addition of the following paragraph after paragraph (h) of subregulation (2):

- “(i) a certified copy of the certificate of entitlement issued in terms of regulation 39(7).”.

#### **Substitution of regulations 36 of the Regulations**

- 5. The following regulation is substituted for Regulation 36 of the Regulations:

##### **“Specific licence numbers**

**36.** (1) The Minister may, as he or she may consider necessary, for purposes of sale, reserve licence numbers referred to in regulation 34(1) and (2), hereinafter referred to as a specific licence number.

(2) The Minister must designate a person or an authority as an issuing authority for the purpose of this regulation by notice in the *Gazette*.

(3) An owner may apply at an appropriate registering authority for the allocation of a specific licence number to his or her motor vehicle.

(4) The appropriate registering authority must forward the application referred to in subregulation (3) to the issuing authority, who must determine whether the specific licence number has not been allocated to another motor vehicle; and against payment of the fee prescribed in Schedule 1, issue the authorisation for the allocation of the specific licence number to the applicant.

(5) The issuing authority must forward the authorisation referred to in subregulation (4), to the appropriate registering authority, who must provide the applicant with such authorisation.”.

#### **Amendment of regulation 37 of the Regulations**

- 6. Regulation 37 of the Regulations is amended -
  - (a) by the substitution for subregulation (1) of the following subregulation:

“(1) An owner or a person becoming an owner may apply to an authority or person designated by the Minister as an issuing authority by notice in the *Gazette*, for the allocation of a licence number of his or her own choice, hereinafter referred to as a personalised licence number, to his or her motor vehicle.”;

- (b) by the substitution for subregulation (4) of the following subregulation:
  - “(4) The characters referred to in subregulation (3) must be followed by -
    - (a) an emblem of the Namibian National Flag, which emblem must be in strict compliance with the description as set out in Schedule 6 to the Namibian Constitution; and
    - (b) the letters “NA”, depicting “Namibia”.”;
- (c) by the substitution for subregulation (6) of the following subregulation:
  - “(6) Notwithstanding the specification referred to in subregulation (5) the Namibian National Flag must be in full colour”; and
- (d) by the substitution for the expression “Namibian coat of arms” in paragraph (a) of subregulation (7) of the expression “Namibian National Flag”.”.

#### **Substitution of regulation 38 of the Regulations**

7. The following regulation is substituted for regulation 38 of the Regulations:

##### **“Application for personalised licence number**

**38.** An application for a personalised licence number, under regulation 37, must be made at the appropriate registering authority and must be accompanied by -

- (a) acceptable identification of the applicant;
- (b) up to three personalised licence numbers, requested by the applicant which numbers should be in the order of the applicant’s preference; and
- (c) a declaration, made under oath before a commissioner of oaths, declaring that the applicant is to his or her knowledge not aware of any copyright vesting in the expression that is applied for to be used as a personalised licence number or if copyright so vests in that expression a declaration to the effect that the applicant has been granted the right of use of that expression.”.

#### **Substitution of regulation 39 of the Regulations**

8. The following regulation is substituted for regulation 39 of the Regulations:

##### **“Issue of personalised licence number**

**39.** (1) On receipt of an application for a personalised licence number the appropriate registering authority must, upon finding the application to be complete and accompanied by the documentation mentioned in regulation 38, forward that application to the issuing authority who must -

- (a) satisfy itself that that the application is complete and accompanied by the necessary documentation in terms of regulation 38;
- (b) determine the appropriateness of the expression being applied for as regards public order, decency or morality, or in relation to defamation or incitement to an offence; and

- (c) determine whether the personalised licence number applied for is not a homophone of a personalised licence number or a replica of a personalised licence number, which has already been allocated by the issuing authority in relation to a motor vehicle or whether an application for a similar personalised licence number has been declined due to the fact that it is of an obscene, indecent or immoral nature or would offend the public morals or standards of decency.
- (2) If the issuing authority is satisfied that the application complies with subregulation (1), the issuing authority must -
- (a) issue a confirmation of allocation on the approved form to the applicant, indicating that the personalised licence number is approved by the issuing authority; and
  - (b) update the register of motor vehicles referred to in regulation 366(8) accordingly.
- (3) In the case of two or more persons applying for the same expression to be used as a personalised licence number, the issuing authority must allocate the expression to the applicant who applied first for the expression.
- (4) If the issuing authority is not satisfied that the application complies with subregulation (1), the issuing authority must inform the applicant accordingly and give reasons for the decision.
- (5) Within 21 days from the date of issue of the confirmation of allocation referred to in subregulation (2)(a), the applicant must submit the confirmation of allocation together with the fee prescribed in Schedule 1, to the appropriate registering authority.
- (6) If the applicant fails to pay the prescribed fee within 21 days referred to in subregulation (5), the allocation of the personalised licence number expires.
- (7) On receipt of the confirmation of allocation and the prescribed fee, the appropriate registering authority must -
- (a) issue a certificate of entitlement to the applicant on the approved form, which certificate subject to regulation 39A (4) and (5), reflects the holders right to the personalised licence number;
  - (b) notify the issuing authority on the approved form that a certificate of entitlement has been issued;
  - (c) licence the motor vehicle in accordance with this Chapter if the certificate of entitlement is issued to the owner of a motor vehicle, which is registered and licensed in terms of these regulations and the personalised licence number applied for will be displayed on that motor vehicle, and it may retain the licence until the date on which the personalised number plates are collected in terms of subregulation (11); and
  - (d) update the register of motor vehicles referred to in regulation 366(6)(a) accordingly.
- (8) On receipt of the notification referred to in subregulation (7), from the appropriate registering authority, the issuing authority must issue a works order on the approved form and forward it to the number plate manufacturer referred to in regulation 37(2).

- (9) A number plate manufacturer -
  - (a) may only manufacture a personalised number plate on receipt of a works order from the issuing authority;
  - (b) must manufacture the required set of personalised number plates within the period prescribed in the authorisation referred to in regulation 37(2); and
  - (c) must forward the completed personalised number plates to the appropriate registering authority.
- (10) On receipt of the personalised number plates the appropriate registering authority must notify the holder of the certificate of entitlement that the personalised number plates have been manufactured.
- (11) The holder of the certificate of entitlement must as soon as reasonably possible after receipt of the notification referred to in subregulation (10) collect the personalised number plates and display it in accordance with regulations 48(4) to (8).
- (12) If a personalised number plate is lost, the owner of the motor vehicle to which the personalised number plate relates may apply to the issuing authority for authorisation for the re-manufacturing of the personalised number plate concerned and such application must be accompanied by the fee prescribed in Schedule 1.
- (13) If the issuing authority is satisfied that the applicant is the owner of the motor vehicle to which the personalised licence number has been allocated, it must authorise the manufacture of a substitute personalised number plate in the manner contemplated in this regulation.”.

#### **Insertion of regulations 39A to 39F**

9. The following regulations are inserted after regulation 39:

##### **“Conditions of the certificate of entitlement**

**39A.** (1) The personalised licence number reflected on the certificate of entitlement may only be displayed on a personalised number plate referred to in regulation 37(5), and must be affixed to a motor vehicle of which the holder of the certificate of entitlement is the owner, and for the purpose of regulations 39A to 39(F), “owner” includes “title holder”.

(2) A holder of the certificate of entitlement who is the owner of a motor vehicle which is licensed in the holder’s name and reflected as such in the certificate of entitlement may, subject to regulation 39(7)(c), continue to operate that motor vehicle on a public road under the licence number allocated to that motor vehicle in terms of regulation 32, until such time as the appropriate registering authority supplies the holder of the certificate of entitlement with the personalised number plate.

(3) A holder of the certificate of entitlement who is not the owner of a motor vehicle must, if he or she becomes an owner of a motor vehicle -

- (a) register and licence that motor vehicle, within 21 days from the date of liability referred to in regulations 15 and 30, at the appropriate registering authority in accordance with this Chapter; and



- (b) operate the motor vehicle under a temporary permit in accordance with Part 4 of this Chapter until the appropriate registering authority supplies that holder with the personalised number plates and allocates that personalised licence number to that motor vehicle, if it considers it necessary.
- (4) If the holder of a right to a personalised licence number fails to licence the motor vehicle concerned in terms of subregulation (3) the right of that holder to the personalised licence number expires after 90 days, from the date of issue of the certificate of entitlement.
- (5) The prescribed fee paid by the holder in respect of a personalised licence number is not refundable if the right to a personalised licence number of that holder expires in terms of subregulation (4).
- (6) The holder of a right to a personalised licence may transfer that right to another person in accordance with this Part.

#### **Retention or transfer of personalised licence number**

**39B.** A holder of a right to a personalised licence number may, -

- (a) if there is a change of owner of a motor vehicle to which the personalised licence number has been allocated -
  - (i) elect to retain that number in the manner and on the conditions prescribed in regulation 39C; or
  - (ii) transfer the right to that number to the new owner of such motor vehicle in the manner and on the conditions prescribed in regulation 39C;
- (b) if there is no change of owner of a motor vehicle to which the personalised licence number has been allocated, transfer that right to another owner of a motor vehicle in the manner and on the conditions prescribed in regulation 39D; and
- (c) apply for the reallocation of the personalised licence number from one motor vehicle of which he or she is the owner to another vehicle of which he or she is the owner in the manner and on the conditions prescribed by regulation 39E.

#### **Retention or transfer of personalised licence number, if ownership of motor vehicle to which personalised licence number was allocated changes**

**39C.** (1) The holder of a right to a personalised licence number that has been allocated to a motor vehicle of which he or she is an owner, may, if there is no change of owner, elect to -

- (a) retain that personalised licence number; or
- (b) transfer the right to that personalised licence number to the person who is the new owner of the motor vehicle.

(2) If the holder of a right to a personalised licence number elects to retain that number in terms of subregulation (1)(a), he or she must apply at the appropriate registering authority for the retention of that number, and the application must be accompanied by -

- (a) a certified copy of the certificate of entitlement of that holder; and



- (b) if that holder is the owner of another motor vehicle which he or she intends to operate on a public road under that personalised licence number, an application for the licensing of that motor vehicle in accordance with this Chapter.

(3) On receipt of an application for the retention of a personalised licence number and an application for the licensing of the motor vehicle, if applicable, the appropriate registering authority must forward the application for the retention of the personalised licence number to the issuing authority.

(4) If the issuing authority is satisfied that both applications are in order, it must -

- (a) allocate the personalised licence number to the motor vehicle contemplated in subregulation (2)(b);
- (b) notify the appropriate registering authority that the personalised licence number has been retained by it for allocation to another vehicle of which the holder of the right to the personalised licence number is the owner, and the appropriate registering authority may proceed with the licensing of the motor vehicle concerned; and
- (c) update the register of motor vehicles referred to in regulation 366(8) accordingly.

(5) If, on the date of application for the retention of the personalised licence number, the holder of the right to the personalised licence number is not the owner of a motor vehicle, the issuing authority may retain that personalised licence number for the holder for 90 days, calculated from the date of receipt of the application for the retention of the personalised licence number, on condition that -

- (a) the holder of the right to the personalised number plate if he or she becomes an owner of a motor vehicle, register and licence that motor vehicle within 21 days from the date of liability referred to in regulations 15 and 30, at the appropriate registering authority in accordance with this Chapter; and
- (b) if the holder referred to in paragraph (a), does not exercise his or her right to the personalised licence number in relation to a motor vehicle within 90 days the right to that personalised licence number expires and the holder is not entitled to a refund of the prescribed fees paid by him or her.

(6) If the holder of a right to a personalised licence number elects to transfer the right to that personalised licence number together with the motor vehicle to which that personalised licence number has been allocated as contemplated in subregulation (1)(b), the new owner of that motor vehicle must register and licence that motor vehicle in accordance with this Chapter.

(7) An application for the registration and licensing of a motor vehicle contemplated in subregulation (6) must comply with the requirements prescribed in regulation 38 and must be accompanied by the certificate of entitlement.

(8) On receipt of an application contemplated in subregulation (7), the appropriate registering authority must, if satisfied that the application form is in order, forward the application for the transfer of the personalised licence number to the issuing authority, and regulations 39(2) to (11) and 39A apply with necessary changes to this subregulation.

**Transfer of right to personalised licence number by holder to another person**

**39D.** (1) The holder of a right to a personalised licence number allocated to a motor vehicle of which he or she is the owner may transfer such right to another person.

(2) The holder of a right to a personalised licence number who intends to transfer his or her right must -

- (a) notify the appropriate registering authority of the transfer on the approved form;
- (b) provide the person to whom the right is to be transferred with the certificate of entitlement; and
- (c) destroy the personalised number plates.

(3) The appropriate registering authority must forward the notification referred to in subregulation (2) to the issuing authority, who must update the register of motor vehicles referred to in regulation 366(8) accordingly.

(4) The person to whom the right to a personalised licence number is transferred, must within 21 days from the date of transfer, apply at the appropriate registering authority for a certificate of entitlement, and regulations 39 and 39A apply with the necessary changes to this subregulation.

(5) The application referred to in subregulation (4) must, in addition to the requirements referred to in regulation 38 be accompanied by the certificate of entitlement referred to in subregulation 2(b).

**Transfer of personalised licence number between motor vehicles of which holder of right to personalised licence number is owner**

**39E.** (1) The holder of a right to a personalised licence number which has been allocated to a motor vehicle of which he or she is the owner may elect to have that personalised licence number allocated to another motor vehicle of which he or she is the owner.

(2) The holder of a right to a personalised licence number who in terms of subregulation (1) elects to have the personalised licence number allocated to another motor vehicle referred to in that subregulation, must make an application for the transfer on the approved form at the appropriate registering authority.

(3) An application referred to in subregulation (2) must, in addition to the requirements prescribed in regulation 38, be accompanied by -

- (a) the prescribed fees;
- (b) a certified copy of the certificate of entitlement of the holder; and
- (c) an application for the licensing of both motor vehicles concerned as contemplated in regulation 31.

(4) On receipt of both applications contemplated in subregulation (3), the appropriate registering authority must, if satisfied that the applications are in order -

- (a) forward the application for the allocation of the personalised licence number to the issuing authority who must allocate the personalised licence number to the motor vehicle in accordance with regulations 39(2) to 39(6) and 39A;

- (b) licence both motor vehicles in the manner contemplated in regulation 32; and
- (c) update the register of motor vehicles referred to in regulation 366(6)(a) accordingly.

#### **Voluntary surrender of right to personalised licence number**

**39F.** (1) The holder of a right to a personalised licence number allocated to a motor vehicle of which that holder is the owner, who no longer requires the right to that personalised licence number may elect to surrender the right to that personalised licence number.

(2) The holder of a right to a personalised licence number who in terms of subregulation (1) elects to surrender the right to that personalised licence number, must notify the appropriate registering authority on the approved form.

(3) The notification referred to in subregulation (2), must be accompanied by -

- (a) an application referred to in regulation 31, for the licensing of the motor vehicle to which the personalised licence number was allocated; and
- (b) the certificate of entitlement reflecting the right to the personalised licence number.

(4) On receipt of the notification and application contemplated in subregulation (3), the appropriate registering authority must, if satisfied that the notification and application is in order -

- (a) forward the notification to the issuing authority who must record such notification; and
- (b) licence the motor vehicle in accordance with this Chapter.

(5) The issuing authority may, from the date of receipt of the notification referred to in subregulation (4), allocate that personalised licence number to any other person who makes an application in terms of regulation 38, for the allocation of that personalised licence number to him or her.”.

#### **Substitution of regulation 40 of the Regulations**

**10.** The following regulation is substituted for regulation 40 of the Regulations:

##### **“Annual Renewal Fee**

**40.** (1) A personalised licence number is, from a date determined by the Minister by notice in the *Gazette*, subject to an annual renewal fee as prescribed in Schedule 1.

(2) If the motor vehicle licence to which the personalised number plate relates becomes void -

- (a) the annual renewal fee referred to in subregulation (1) may be refunded to the owner of such motor vehicle on a pro rata basis; or
- (b) the part of the annual renewal fee, for which the owner is not liable by virtue of the motor vehicle licence becoming void as a result of deregistration, may be used in respect of a new personalised licence number issued to that owner.

(3) The annual renewal fee is payable on the anniversary of the date of issue of the certificate of entitlement for the personalised licence number concerned.

(4) Regulation 51 apply with necessary changes to the refund in terms of subregulations (1) and (2).”.

#### **Substitution of regulation 41 of the Regulations**

11. The following regulation is substituted for regulation 41 of the Regulations:

##### **“Reallocation of personalised number plates when void**

41. (1) A personalised licence number becomes void -

- (a) on the expiry of the 90 days referred to in regulation 39A(4);
- (b) on the date on which the motor vehicle to which it relates is deregistered due to that motor vehicle being stolen;
- (c) subject to regulation 39C, 39D, 39E and 39F, on the date of change of an owner of the motor vehicle to which it relates; or
- (d) after 90 days from the date the annual renewal fee is payable and has not been paid.

(2) The issuing authority may in accordance with this Part reallocate a personalised licence number is void in terms of subregulation (1).

(3) If a personalised licence number is void in terms of subregulation (1)(a) that personalised licence number may be reallocated to the owner of the motor vehicle that it relates to if that owner pays the arrears in relation to the annual renewal fee on the date that the motor vehicle licence is renewed.

(4) If a motor vehicle to which a personalised licence number relates is stolen the owner of that motor vehicle must notify the appropriate registering authority, who must update the register of motor vehicles referred to in regulation 366(6)(a), and notify the issuing authority accordingly.

(5) Where a motor vehicle is deregistered as a result of it being stolen the personalised licence number in relation to that motor vehicle may not be allocated to another motor vehicle for a period of five years, except where that motor vehicle and that personalised number plate has been recovered and returned to the owner of such motor vehicle.

(6) If the stolen motor vehicle or the personalised number plates or both have been found, the owner of that motor vehicle or the person who found it, must notify the appropriate registering authority thereof, and the appropriate registering authority must update the register of motor vehicles referred to in regulation 366(6)(a), and notify the issuing authority accordingly.”.

#### **Substitution of regulation 42 of the Regulations**

12. The following regulation is substituted for regulation 42 of the Regulations:

##### **“Right of appeal to the Commission in respect of personalised number plates**

42. (1) A person who is dissatisfied with the refusal of the issuing authority to issue an authorisation for a personalised licence number may within 21 days from the date he or she is informed of such refusal appeal to the Commission in writing, against such refusal.

(2) A person who is of the opinion that a personalised licence number has been allocated contrary to the provisions of regulation 39(1)(b) or (c), or who has copyright of the expression used as a personalised licence number may appeal to the Commission, in writing, against the issue of such personalised licence number.

(3) The person referred to in subregulations (1) and (2) must simultaneously serve a notice of the appeal on the issuing authority.

(4) If an appeal has been brought before the Commission in terms of subregulations (1) or (2) the issuing authority must, within 14 days of receipt of the notice of appeal, furnish the Commission with reasons for the refusal to issue an authorisation to the person contemplated in subregulation (1), and the reason for the allocation of a personalised licence number as contemplated in subregulation (2).

(5) Subject to subregulation (4), the Commission must, within 30 days after receiving the issuing authority's reasons, furnish the appellant with its decision and the reasons for such decision.

(6) If a decision made by the Commission in terms of subregulation (5) includes an order to the effect that the personalised licence number must be cancelled the person to whom that personalised licence number was issued must, upon receiving notice of such cancellation, surrender that personalised number plate in accordance with regulation 41.

(7) If the person contemplated in subregulation (6) has paid the annual renewal fee, the issuing authority must refund such fee, on a pro rata basis to such person.”.

#### **Amendment of regulation 66 of the Regulations**

**13.** Regulation 66 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

“(3) The owner of a motor vehicle which is licensed and who cannot comply forthwith with regulation 39, 48 or 50, may obtain a temporary permit in order to operate the motor vehicle on a public road.”.

#### **Substitution of Schedule 1 to the Regulations**

**14.** The following Schedule is substituted for Schedule 1 to the Regulations:

“SCHEDULE 1  
MISCELLANEOUS FEES

| Item No. | Transaction                                                                                                                    | Fee-N\$ | Empowering provision                            |
|----------|--------------------------------------------------------------------------------------------------------------------------------|---------|-------------------------------------------------|
| 1.       | Application for registration as authorised officer                                                                             | 35.00   | Regulation 4                                    |
| 2.       | Issue of registration certificate to authorised officer                                                                        | 30.00   | Regulation 6                                    |
| 3.       | Issue of an authorisation for a specific licence number                                                                        | 500.00  | Regulation 36                                   |
| 4.       | Issue of certificate of entitlement for a personalised licence number, including the manufacture of personalised number plates | 1800.00 | Regulation 39                                   |
| 5.       | Duplicate personalised licence plate, per plate                                                                                | 200.00  | Regulation 39                                   |
| 6.       | Transfer of personalised licence number where no change of ownership occurs                                                    | 30.00   | Regulation 39E(2)(a)                            |
| 7.       | Annual renewal fee in respect of personalised licence number                                                                   | 240.00  | Regulation 40                                   |
| 8.       | Application for registration as manufacturer, builder or importer                                                              | 30.00   | Regulation 73                                   |
| 9.       | Application for registration as number plate manufacturer                                                                      | 200.00  | Regulation 78                                   |
| 10.      | Registration as manufacturer, builder, importer or number plate manufacturer                                                   | 600.00  | Regulation 83(1)                                |
| 11.      | Fee per motor vehicle design                                                                                                   | 600.00  | Regulation 83(2)                                |
| 12.      | Application for registration as driving testing centre                                                                         | 200.00  | Regulation 102                                  |
| 13.      | Application for learner's licence (including test)                                                                             | 45.00   | Regulation 113                                  |
| 14.      | Issue of learner's licence                                                                                                     | 35.00   | Regulation 115                                  |
| 15.      | Application for driving licence                                                                                                | 110.00  | Regulation 116, 118, 121, 123, 124, 126 and 132 |
| 16.      | Application for professional authorisation                                                                                     | 30.00   | Regulation 128                                  |
| 17.      | Issue of driving licence of any code                                                                                           | 155.00  | Regulation 118                                  |
| 18.      | Duplicate driving licence                                                                                                      | 155.00  | Regulation 120                                  |
| 19.      | Application for temporary driving licence                                                                                      | 25.00   | Regulation 123                                  |
| 20.      | Application for Instructor's certificate                                                                                       | 125.00  | Regulation 138                                  |
| 21.      | Issue of Instructor's certificate                                                                                              | 30.00   | Regulation 138                                  |
| 22.      | Application for registration as vehicle testing station                                                                        | 150.00  | Regulation 144                                  |
| 23.      | Application for roadworthy certificate or certificate of fitness                                                               | 100.00  | Regulation 154 and Schedule 5                   |
| 24.      | Issue of roadworthy certificate or certificate of fitness                                                                      | 30.00   | Regulation 156 and Schedule 5                   |
| 25.      | Issue of chassis or engine number                                                                                              | 20.00   | Regulation 91                                   |
| 26.      | Identification of operator                                                                                                     | 40.00   | Regulation 286                                  |
| 27.      | Application for duplicate operator card                                                                                        | 30.00   | Regulation 286                                  |
| 28.      | Cost of confirming information per item                                                                                        | 15.00   | Regulation 99                                   |
| 29.      | Issue of duplicate document or token                                                                                           | 30.00   | Section 91(2)(xxvi) of the Act                  |
| 30.      | Registration as authorised user                                                                                                | 20.00   | Regulation 377                                  |

”.

### Commencement

15. These regulations shall come into operation on a date determined by the Minister by notice in the *Gazette*.