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GOVERNMENT NOTICE

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Government Notice

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 188

2006

AMENDMENT OF THE ROAD TRAFFIC AND TRANSPORT REGULATIONS, 2001: 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

Definitions

1. In this Schedule,

“the Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“the Regulations” means the Road Traffic and Transport Regulations promulgated under Government Notice No. 53 of 30 March 2001, as amended by Government Notice No. 97 of 29 May 2001, No. 103 of 01 July 2002, No. 163 of 26 September 2002, No. 205 of 28 September 2004, No. 32 of 01 April 2005, No. 45 of 09 May 2005 and No. 183 of 20 December 2005.

Amendment of regulation 1 of the Regulations**2. Regulation 1 of the Regulations is amended -**

- (a) by the substitution for the definition of “acceptable identification” of the following definition:

“acceptable identification” means -

- (a) an identity document issued in terms of the Identification Act, 1996 (Act No. 21 of 1996);
- (b) in the case of a person not permanently resident in Namibia, an identity document issued by a foreign country or a traffic register number certificate issued in terms of regulation 373;
- (c) in the case of -
 - (i) a company, a certificate of incorporation or name change issued in terms of the Companies Act, 1973 (Act No. 61 of 1973); or
 - (ii) a close corporation, a founding statement or a certificate of name change issued in terms of the Close Corporations Act, 1988 (Act No. 26 of 1988);
- (d) in the case of -
 - (i) a person carrying on a business including farming activities;
 - (ii) a body of persons not referred to in paragraph (c); or
 - (iii) a Namibian citizen or a person who holds a permanent residence permit issued in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993) and who does not have a valid identity document issued in terms of the Identification Act, 1996 (Act No. 21 of 1996),

a traffic register number certificate issued in terms of regulation 373;
- (e) a driving licence card issued in terms of regulation 118; or
- (f) except for the purposes of regulations 113,115,116,118, 120 and 121, a certified copy of the certificate or document referred to in paragraph (a), (b), (c) or (d);”;

- (b) by deleting the definition of “the Standards Act, 1993”;”;

- (c) by the substitution for the definition of “certification mark” of the following definition:

“certification mark” means a mark or an approval that has been established in respect of a standard specification;”;

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

“State motorcade” means a motor vehicle or a group of motor vehicles traveling together for the purposes of conveying Namibian or foreign state dignitaries and escorted by traffic officers or military police to ensure a safe and unimpeded journey for the motor vehicle or motor vehicles;”.

Amendment of regulation 122 of the Regulations

3. Regulation 122 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) A temporary licence, issued on the approved form by a driving examiner or a person authorised to issue such licence, is a temporary authorisation for the purpose of section 31 of the Act, for a period of eighteen months from the date of issue, or until the date on which the person to whom the authorisation has been issued, receives the original or duplicate licence.”.

Substitution of regulation 211 of the Regulations

4. Regulation 211 of the Regulations is substituted for the following regulation:

“Side and rear retro-reflective material to be fitted to vehicles (contour markings)

211. (1) For the purposes of this regulation “contour markings” means yellow side and rear retro-reflective material that complies with standard specification SABS ECE R104 “Uniform provisions concerning the approval of retro-reflective markings for heavy and long vehicles and their trailers”, but -

- (a) any rear underrun protection device must be fitted along its length with a rear retro-reflective marking strip;
- (b) the application for (paragraph 3 of SABS ECE R104) and approval of (paragraph 5 of SABS ECE R104) any retro-reflective marking material is not required under these regulations, but the letter “C” indicating contour or strip marking as referred to in paragraph 5.4.3.1 of SABS ECE R104, and the circle surrounding the letter “E” followed by the distinguishing number of the country which has granted approval as referred to in paragraph 5.4.1 of SABS ECE R104, must be brought onto the retro-reflective marking material; and
- (c) advertising, consisting of retro-reflective logos, distinctive markings, letters or characters, may be used if –
 - (i) it complies with the requirements of standard specification SABS ECE R104; and
 - (ii) it is used in conjunction with contour markings, excluding marking strips, which indicates the manufacturer concerned.
- (2) a goods vehicle with -
 - (a) a gross vehicle mass exceeding 10 000 kilograms must, from 1 January 2007, be fitted with contour markings on the side and the rear of such vehicle and the rear contour markings may not be fitted more than 600 millimetres from the lower part of the body of the vehicle; and

- (b) a length of more than six metres, must, from 1 January 2007, be fitted with side and rear contour markings, in accordance with paragraph (a).
- (3) A trailer must, from 1 January 2007, be fitted with side and the rear contour markings, in accordance with subregulation (2)(a).
- (4) A bus must, from 1 January 2007, be fitted with side and rear contour markings, in accordance with subregulation (2)(a).".

Amendment of regulation 233 of the Regulations

5. Regulation 233 of the Regulations is amended -

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

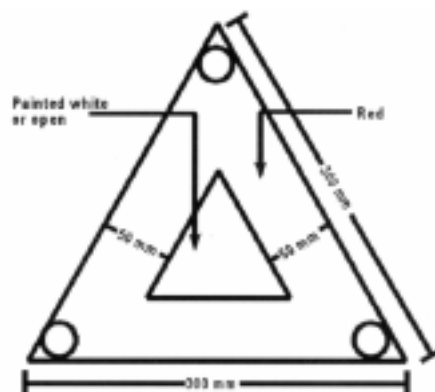
"(1) For the purpose of this regulation -

- (a) "motor vehicle" does not include an emergency service vehicle or a motorcycle; and
- (b) "reflective material" means reflective material; which is capable of reflecting light under all circumstances;"

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

"(2) The expression "emergency warning sign" means -

- (a) in the case of a motor vehicle, with a gross vehicle mass of 3 800 kilograms or less, a double-sided sign having the shape, design, minimum dimension and colours illustrated below, and of which the red portion on each side -
 - (i) consists of red reflective material; or
 - (ii) is painted red and have retro-reflectors in each corner; or



- (b) in the case of any other motor vehicle, a sign that complies with the standard specification SABS 1329 "Retro-Reflective and Fluorescent Warning Signs for Road Vehicles", Part 1: 1987 "Triangles", and bears the certification mark, but in the case of a combination of motor vehicles, the emergency warning sign for every motor vehicle of such combination may be carried on the drawing vehicle, and in the case of a combination of three motor vehicles, at least two emergency warning signs must be carried on the vehicle.".

Insertion of regulation 333A in the Regulations

6. The following regulation is inserted in the Regulations after regulation 333:

“Right of way for funeral vehicular procession

333A. (1) For the purposes of this regulation “vehicular funeral procession” means two or more vehicles accompanying a hearse which contains the body of a deceased person or cremated human remains, and which is led by -

- (a) a traffic escort vehicle followed by the hearse and other vehicles of the attendees of the funeral; or
- (b) in a local authority area, where there are no traffic escort vehicles to lead a funeral procession, a hearse or another designated vehicle followed by a hearse and other vehicles of the attendees of the funeral.

(2) Despite an instruction of a road traffic sign, a right of way provision contained in the Regulations or a regulation made under section 92 of the Act, but subject to regulation 337, a pedestrian and a driver of a motor vehicle, must yield right of way to a motor vehicle that is part a vehicular funeral procession.

(3) When a vehicular funeral procession enters an intersection, by reason of a road traffic sign or at the direction of a traffic officer, the other motor vehicles in the funeral procession may, subject to subregulation (4), continue to follow the funeral lead vehicle through the intersection despite an instruction of road traffic sign, a right of way provision contained in the Regulations, or a regulation made under section 92 of the Act.

(4) The driver of a motor vehicle which is part of a vehicular funeral procession must -

- (a) yield right of way to an approaching emergency service vehicle, by giving an audible and visible signal;
- (b) yield right of way when directed to do so by a traffic officer;
- (c) yield right of way to a State motorcade contemplated in regulation 337;
- (d) follow the preceding motor vehicle in the vehicular funeral procession as closely as is practical and safe, and the provisions of regulation 341(1)(b) does not apply;
- (e) have the headlamps of the vehicle concerned on, emitting a dipped beam;
- (f) have the hazard lights of the vehicle on; and
- (g) exercise due care when participating in a vehicular funeral procession.”.

Substitution of regulation 344 of the Regulations

7. Regulation 344 of the Regulations is substituted for the following regulation:

“Loud sound amplification system in motor vehicle and motor vehicles causing excessive noise

344. (1) For the purposes of this regulation “a sound amplification system” means a radio, television, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(2) A person may not operate a motor vehicle or cause it to be operated on a public road while using a sound amplification system emitting sound from the vehicle that is audible under normal conditions from a distance of at least 33 metres from the vehicle.

(3) A person may not operate a motor vehicle or cause it to be operated on a public road, so as to cause excessive noise.

(4) This regulation does not apply to -

- (a) an emergency service vehicle equipped with a siren in accordance with regulation 220 or a communication device which is used in the performance of the duties of an authorised officer or driver;
 - (b) a motor vehicle equipped with a sounding device referred to in regulation 220(1)(a);
 - (c) a motor vehicle or a sound amplification system used for an activity for which approval has been obtained from the local authority concerned in terms of the law relating to local authorities; or
 - (d) a motor vehicle fitted with an anti-theft device which incorporates a siren.”.
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