



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS MADE IN TERMS OF

**Road Transportation Act 74 of 1977**  
section 30

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**Road Transport Regulations**

Government Notice 2653 of 1977

(RSA GG 5843)

came into force on date of publication: 1 January 1978

**as amended by**

**Government Notice AG 56 of 1978 (OG 3817)**

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**Government Notice AG 50 of 1981 (OG 4455)**

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**Government Notice AG 171 of 1983 (OG 4852)**

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**Government Notice AG 99 of 1989 (OG 5848)**

came into force on date of publication: 3 November 1989

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**ARRANGEMENT OF REGULATIONS**

**SCHEDULE**

**INTRODUCTORY PROVISIONS**

1. Definitions
2. Manner in which certain forms of exempted road transportation may be undertaken

**PUBLIC PERMITS**

3. Application for or pertaining to public permit
4. Representations concerning public permits
5. Certificate of fitness

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

6. Acquisition of controlling interest

**PRIVATE PERMITS**

7. Application for or pertaining to private permit  
8. Representations concerning private permits

**TEMPORARY PERMITS**

9. Application for and issue of temporary permit

**APPEALS**

10. Appeals

**PROCEDURE**

11. Notice to witnesses  
12. Decision of commission or board  
13. Distinguishing marks  
14. Discontinuation of road transportation  
15. Duplicates  
16. Issue free of charge  
17. Change of address

**FEEES**

18. Fees payable upon application, issues and appeals

**INQUIRY AND ARBITRATION**

19. Inquiry under section 28 of the Act  
20. Appointment of arbitrators

**COMMITTEE FOR PURPOSES OF SECTION 27 OF THE ACT**

21. Appointment of committee by Minister  
22. Powers of committee

**GENERAL PROVISIONS**

23. Returns  
24. Records  
25. Information on vehicles

**AUTHORISED OFFICERS**

26. Powers, duties, functions of authorised officers

**OFFENCES**

27. Offences and penalties

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

**SHORT TITLE**

**28. Short title**

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**Definitions**

**1.** In these regulations, unless inconsistent with the context, any expression to which a meaning has been assigned in the Act shall, when used in these regulations, have the meaning thus assigned, and -

- (i) “the Act” means the Road Transportation Act, 1977 (Act 74 of 1977);
- (ii) “transport year” means the period 1 July in any year to 30 June of the following year.

**Manner in which certain forms of exempted road transportation may be undertaken**

- 2.** (1) Whenever -
- (a) a hotel conveys its own guests and their personal effects in accordance with section 1(2)(j) of the Act;
  - (b) a decentralised industry conveys its own goods in accordance with section 1(2)(v) of the Act;
  - (c) any person conveys goods within the boundaries of an exempted area in accordance with section 1(2)(w) of the Act;
  - (d) a carrier conveys goods in accordance with section 1(2)(x) of the Act; or
  - (e) any person carrying on any industry or trade or business conveys his own goods in accordance with section 1(2)(y) of the Act,

the following identifying particulars shall be painted or displayed in such other manner as may be approved by the commission on both sides of the motor vehicle, or where this is not practically feasible on another conspicuous place on the vehicle thus use and shall be in a colour that shows up clearly against the background on which they are painted or displayed -

- (i) The full registered name or style of such hotel or decentralised industry or the name of such person, carrier or person carrying on such industry or trade or business, as the case may be;
- (ii) the full business address (not postal address) of such hotel or decentralised industry or of such person, carrier or person carrying on such industry, trade or business, as the case may be;
- (iii) in the case of the industry, carrier or person referred to in subregulation (1)(b), (d) and (e), the nature of the business.

**[subregulation (1) substituted by AG 56/1978 and AG 171/1983]**

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

(2) The minimum dimensions of all letters and figures used in the inscription of the particulars provided for in subregulation (1) and the spaces between such letters and figures shall be as follows -

- (a) height of figures and letters - 40 mm.;
- (b) width of figures and letters - 20 mm.;
- (c) breadth of stroke of figures and letters - 5 mm.;
- (d) space between consecutive figures or letters - 5 mm.;
- (e) space between words on the same line - 15 mm.

**[subregulation (2) substituted by AG 56/1978]**

(3) In the case of the conveyance contemplated by subregulation (1)(b), the decentralised industry shall transmit the following information and documents by registered post to the commission before any such conveyance may be undertaken -

- (a) The full business and postal address of such industry;
- (b) the full registered name or style of the industry; ,
- (c) a description of the decentralised industrial area within which that industry is situated; and
- (d) a copy or photocopy of the registration certificate of the goods vehicle to be used, such copy or photocopy to be certified by a Commissioner of Oaths as being a true copy.

(4) (a) In the event of any change in the information furnished by the decentralised industry in terms of subregulation (3)(a) and (b) the commission shall, not later than seven days after such change, be notified by registered. post of its occurrence.

(b) If the goods vehicle in use is replaced, the commission shall, before the replacement vehicle is put into service, be furnished with a copy or photocopy, certified by a Commissioner of Oaths as being a true copy, of the registration certificate of the replacement vehicle.

(5) A carrier wishing to convey goods in terms of section 1(2)(x) of the Act, shall undertake such conveyance only if it is done in the following manner exclusively within an area with a radius of 40 kilometres from such carrier's place of business -

- (a) from any place situated within a radius of 40 kilometres from the carrier's place of business where the goods are offered for conveyance, for delivery to the final destination of the goods if such final destination is also situated within a radius of 40 kilometres from the carrier's place of business; or
- (b) from any place situated within a radius of 40 kilometres from the carrier's place of business where the goods are offered for conveyance, direct to the nearest or most suitable railway station which is also situated within a radius of 40 kilometres from

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

the carrier's place of business, if the final destination of the goods is situated outside a radius of 40 kilometres from the carrier's place of business.

[subregulations (5) substituted by AG 56/1978]

PUBLIC PERMITS

**Application for or pertaining to a public permit**

**3.** (1) An application for the grant or for the renewal, amendment or transfer of a public permit shall be lodged with the commission or a competent board on the appropriate form prescribed by the commission and shall be accompanied by the fees prescribed by regulation 18(1), and a clear answer shall be furnished to each question relating to the application.

(1A) Subject to the provisions of section 14 of the Act, the commission or a board shall, before considering an application for the grant, amendment, renewal or transfer of a public permit, publish the following particulars of such application in the *Official Gazette* -

- (i) the name of the applicant;
- (ii) the place where the applicant intends to conduct his business;
- (iii) the nature of the application;
- (iv) the number and type of vehicles involved in the application;
- (v) the nature of the proposed road transport.

[subregulation (1A) inserted by AG 171/1983]

(2) Subject to the provisions of section 13(2)(b)(bis) of the Act, no application for the grant or for the renewal, amendment or transfer of a public permit shall be considered by the commission or a competent board unless and until the applicant has fully complied with the requirements of subregulation (1).

[subregulation (2) substituted by AG 171/1983]

(3) If an application for the amendment of a public permit is granted, the commission or a competent board shall issue a new permit, and the applicant shall, not later than 10 days after the issue of the new permit, return the replaced permit by hand or by registered post to the commission or competent board, as the case may be.

(4) If an application for the transfer of a public permit is granted, the commission or a competent board shall issue a new permit to the applicant and shall at the same time notify the holder that the application for transfer has been granted and require him to return the replaced permit by hand or by registered post to the commission or competent board, as the case may be, not later than 10 days after the date of the notification.

(5) A public permit granted, renewed, amended or transferred by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission, together with the distinguishing mark similarly prescribed: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

by regulation 18 (3) have been paid by the applicant whose application for or pertaining to a public permit has been granted.

**Representations concerning public permits**

4. (1) Whenever -
- (a) an interested party wishes to make representations in terms of section 14(2) of the Act;
  - (b) a municipal council, city council or town council wishes to make representations in terms of section 14(3) of the Act;
  - (c) the Railways Administration wishes to furnish information in terms of section 14(4) of the Act; or
  - (d)

[paragraph (d) deleted by AG 50/1981]

such representations or information, which shall be in writing, shall be delivered by hand or sent by registered post to the commission or board, as the case may be, not later than 21 days after the date on which details of the application were published in the *Gazette* under section 14(1) of the Act.

[subregulation (1) amended by AG 171/1983]

(2) Representations made in terms of section 14(2) shall, in the case of an application published by the commission be lodged in quinduplicate and, in the case of an application published by a board, in quadruplicate.

(3) Representations in terms of section 14(2) of the Act by the Railways Administration or by a holder of a permit objecting to an application shall contain full particulars of the Railways Administration's or of such holder's existing transport facilities in the area within which or on the route on which or between the points between which the applicant proposes undertaking transportation.

(4) A local authority wishing to make representations in terms of section 25(2)(c) of the Act shall, not later than 21 days after being requested thereto by the commission or the board concerned, deliver such representations, in writing, by hand or send them by registered post to the commission or the board concerned, as the case may be.

**Certificate of fitness**

5. A certificate of fitness referred to in section 21(2)(b) of the Act relating to each motor vehicle in respect of which a public permit has been granted, or a copy or photocopy of such certificate of fitness, certified by a Commissioner of Oaths as being a true copy, shall, not later than 60 days after the applicant has been notified of the grant of such public permit, be lodged by hand or by registered post with the commission or the board concerned, the date of issue of the certificate of fitness thus lodged to be not earlier than 180 days from the date on which the permit in question was granted: Provided that the commission or a competent board, as the case may be, may at the request of the applicant in any particular case extend the period within which the certificate of fitness is to be lodged.

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

[regulation 5 amended by AG 171/1983]

### **Controlling interest**

6. Any person wishing to acquire a controlling interest in a company after a public permit has been granted or issued to such company shall apply in terms of section 29(3)(a) of the Act to the commission or a competent board, on the form prescribed by the commission, for approval of the acquisition of such a controlling interest.

### **PRIVATE PERMITS**

#### **Application for or pertaining to a private permit**

7. (1) An application for the grant or for the renewal or amendment of a private permit shall be lodged with the commission or a competent board on the appropriate form prescribed by the commission and shall be accompanied by the fee prescribed by regulation 18(1), and a clear answer shall be furnished to every question relating to the application.

(2) No application for the grant or for the renewal or amendment of a private permit shall be considered by the commission or a competent board unless and until the applicant has fully complied with the requirements of subregulation (1).

(3) Upon the grant of an application for the amendment of a private permit, the commission or competent board shall issue a new permit, and the applicant shall, not later than 10 days after the issue of the new permit, return the replaced permit by hand or by registered post to the commission or competent board, as the case may be.

(4) A private permit granted, renewed or amended by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission, together with the distinguishing mark similarly prescribed: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed by regulation 18 (3) have been paid by the applicant whose application for or pertaining to a private permit has been granted.

(5) The commission or a competent board may require that -

- (a) a private permit that has lapsed in terms of section 29(2)(a) of the Act be lodged with it by hand or by registered post not later than 10 days from the date of its lapsing; or
- (b) if the authority conferred by a private permit in regard to the place or places where the industry, trade or business may be carried on has lapsed in terms of section 29(2)(b) of the Act, such permit be produced to it, not later than 10 days from the date of lapse of such authority, by hand or by registered post for amendment.

#### **Representations concerning private permits**

8. Any interested party may at any time prior to the consideration by the commission or a competent board of an application for or pertaining to a private permit -

- (a) in terms of section 18(2)(a) of the Act inspect and copy the relevant application form and any other document lodged therewith;

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

- (b) in terms of section 18(2)(b) of the Act lodge with the commission or with the board concerned, by hand or by registered post, written representations objecting to or in support of such application.

**TEMPORARY PERMITS**

**Application for and issue of temporary permit**

**9.** (1) An application for the grant of a temporary permit shall be lodged with the commission or a competent board on the form prescribed by the commission and shall be accompanied by the fee prescribed by regulation 18(1), and a clear reply shall be furnished to every question relating to the application.

(2) No application for the grant of a temporary permit shall be considered by the commission or a competent board unless and until the applicant has complied with the requirements of subregulation (1).

(3) A temporary permit granted by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed by regulation 18(3) have been paid by the applicant whose application for a temporary permit has been granted.

(4) The powers, duties and functions of the commission or of a competent board under section 20 of the Act

may be exercised or performed on its behalf by its chairman or by one of its members nominated for that purpose by its chairman in regard to all categories of applications for temporary permits which the commission or competent board is empowered to consider and to dispose of.

**APPEALS**

- 10.** (1) An appeal in terms of section 8 of the Act shall -
- (a) clearly and fully set forth the act, direction or decision against which is being appealed;
  - (b) specify the board whose act, direction or decision is being appealed against, the date of the meeting on which the said act was performed or the said direction or decision was given and, in the case where such board has notified the person referred to in that section of the said direction or decision by means of a written document, the date of such document;
  - (c) clearly and specifically set forth the grounds on which the appeal is based;
  - (d) within a period of 21 days from the date on which the board concerned has performed the said act or has given the said direction or decision, be lodged by registered post or by hand with the commission in fifteenfold in writing and the board concerned in twofold: Provided that where the board concerned has notified the person concerned of a direction or decision by means of a written document, such appeal shall be lodged by registered post or by hand with the commission and the board concerned within a period of 21 days from the date of such document; and



**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

- (e) be accompanied by the fee prescribed by regulation 18(4).

[subregulation (1) substituted by AG 99/1989]

- (1A) An appeal -

- (a) which is lodged by registered post; and
- (b) which reaches the commission after the period referred to in subregulation (1)(d),

shall, if it appears that such appeal has been posted before the expiration of the said period, be deemed to be an appeal which has been lodged before the expiration of the said period.

[subregulation (1A) inserted by AG 99/1989]

(2) A board against whose act, direction or decision an appeal has been lodged shall, not later than 21 days after being requested thereto by the commission, forward to the commission copies of all documents relating to the appeal and the written reasons for its act, direction or decision appealed against: Provided that the commission may in any particular case extend the period of 21 days at the request of the board concerned.

(3) If an application for the suspension of the operation of an act, direction or decision of a board is granted in terms of section 8(3)(b) of the Act after a permit has been issued in pursuance of such act, direction or decision, the commission or competent board may demand of the holder of such permit that he forthwith lodge the same by hand or by registered post with the commission or board, and the holder shall thereupon be obliged to lodge such permit forthwith by hand or by registered post with the commission or the competent board.

(4) Subject to the provisions of section 9 of the Act, the commission, in considering an appeal in terms of section 8(2) of the Act, shall take cognisance of all the information contained in the documents submitted to it by the appellant and the board concerned in terms of this regulation, and the commission may, at its discretion -

- (a) inspect any place or object relating to the appeal;
- (b) direct the board against whose decision the appeal has been brought to collect information on any matter arising from the appeal and to submit such information to the commission, or to specify the reasons for such decision in greater detail.

(5) The commission shall convey its decision in writing to the appellant and to any party who, in the commission's view, is affected by such decision.

**PROCEDURE**

**Notice to witnesses**

**11.** Any notice given in terms of section 9(1)(b) of the Act shall be in the form prescribed in Schedule 1, and an inspector shall personally hand such notice to the person to whom it applies, and such inspector shall thereupon report to the commission or board, as the case may be.

**Decision of commission or board**

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

**12.** The commission or board shall convey its decision concerning every application for or pertaining to a permit in writing to every party having an interest in such application: Provided that such decision may be conveyed orally in the case of an application for a temporary permit.

**Distinguishing marks**

- 13.** The holder of a permit to whom a distinguishing mark has been issued shall -
- (a) maintain such distinguishing mark in such a condition that all letters and figures on it are clearly legible and, if such distinguishing mark is damaged, lost or not clearly legible, apply for a duplicate in the manner prescribed by regulation 15;
  - (b) in the case of a bus, motor vehicle or goods vehicle, other than a trailer, affix such distinguishing mark with its inscribed side facing to the front in a conspicuous place on the inside of the windscreen of the bus, motor vehicle or goods vehicle to which it relates, and keep it thus affixed; and
  - (c) in the case of a trailer, affix such distinguishing mark with its inscribed side facing outwards on a conspicuous place on one of the sides of the trailer to which it relates and keep it thus affixed.

**Discontinuation of road transportation**

**14.** (1) The holder of a public permit by which authority is conferred for the conveyance of persons or goods shall not discontinue such conveyance or any part thereof unless he shall have advised the commission or a competent board, at least 30 days before such discontinuation, by written notice delivered by hand or by registered post of his intention to discontinue such conveyance: Provided that the commission or a competent board may authorise the holder to discontinue such conveyance within a shorter period of time.

[subregulation (1) amended by AG 171/1983]

(2) If so directed by the commission or a competent board, the holder of a public permit shall -

- (a) in any case where the conveyance referred to in subregulation (1) is discontinued in its entirety, return the permit, not later than 10 days from the date of discontinuation of the conveyance, by hand or by registered post to the commission of the competent board, as the case may be;
- (b) in any case where the conveyance referred to in subregulation (1) is discontinued in part, submit the permit, not later than 10 days after the date on which such part of the conveyance is discontinued, by hand or by registered post to the commission or the competent board, as the case may be, for amendment.

(3) If the holder of a permit referred to in subregulation (1) temporarily suspends such conveyance, he shall -

- (a) not later than 48 hours after the suspension of such conveyance; and
- (b) not later than 48 hours after the resumption of such conveyance; advise the commission or competent board thereof by written notice, delivered by hand or by

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

registered post: Provided that the notice of any suspension referred to in paragraph (a) shall contain detailed reasons for such suspension.

### **Duplicate**

**15.** If the holder of a permit satisfies the commission or a competent board by affidavit that such permit has been lost or destroyed, or produces a permit that has been so damaged that the letters and figures are no longer clearly legible, the commission or a competent board

shall, upon application by such holder and upon payment of the amount prescribed by regulation 18(3)(iv), issue him with a duplicate permit, clearly endorsed “duplicate”.

### **Issue free of charge**

**16.** The commission or a competent board may, without charge, issue a permit -

- (a) in substitution of a permit that has been amended in terms of section 25(1)(c) or section 26(1)(b) of the Act in regard to any condition, requirement or authority contained therein as the case may be;
- (b) in substitution of any permit that has been amended by virtue of an amendment of this Act or of these regulations;
- (c) in substitution of any permit to be amended by virtue of any alteration in terms of any legislation governing the licensing and registration of motor vehicles;

**[paragraph (c) substituted by AG 171/1983]**

- (d) in substitution of any permit that requires to be amended by virtue of a mistake made by an employee of the State in the course of his duties in issuing such permit or made by an employee of the authority responsible for the licensing and registration of motor vehicles in terms of; any legislation governing the licensing or registration of motor vehicles in force in the province concerned in the course of his duties in issuing licensing or registration documents relating to the motor vehicle concerned;
- (e) in substitution of two or more permits issued in respect of the same motor vehicle by a single permit;
- (f) in substitution of a certificate or exemption referred to in section 48 (1) (b) of the Act, the validity of which has been terminated by a notice under section 48 (2) of the Act, or that has been withdrawn by a notice under section 48 (3) of the Act.
- (g) in substitution of a permit to be amended in terms of the provisions of regulation 14(2)(b).

**[paragraph (g) inserted by AG 171/1983]**

### **Change of address**

**17.** If the holder of a public permit changes his address during the currency of such permit, he shall, not later than 10 days after such change of address, by written notice, delivered

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

by hand or by registered post, notify the commission or competent board, as the case may be, of his new address.

**FEES**

**18.** (1) Any person who, in terms of the Act, lodges an application for or pertaining to a permit with the commission or a board shall with his application pay the amount of R10 to the commission or board, as the case may be, which amount shall be forfeited irrespective of whether the application is granted or refused.

(2) Upon the grant of an application for or pertaining to a permit, the appropriate amount prescribed in subregulation (3) shall be payable prior to the issue of such permit.

(3) The following fees shall be payable before a permit is issued -

**Temporary Permit**

- (a) (i) R5,00 per motor vehicle for each day upon which the permit is valid;
- (ii) R1,00 in respect of a temporary permit valid for a maximum period of 14 days issued when necessary as an interim measure where an application is pending for the replacement of a vehicle specified in a public permit;
- (iii) An additional amount of R5,00 per telegram where telegraphic authority is sent by the commission or the board concerned.

**Public Permit or Private Permit**

- (b) (i) R100,00 per motor vehicle for the first issue of a permit or the renewal thereof for an indefinite period;
- (ii) R10,00 per motor vehicle for each transport year or part thereof if the commission or a board should decide to issue or renew a permit for a specified period;
- (iii) R10,00 per permit in the case of a transfer or amendment;
- (iv) R10,00 per duplicate permit;
- (v) 50c per motor vehicle for the amendment of the time-table or tariff of charges mentioned in that permit;
- (vi) R5,00 per duplicate permit issued in respect of a permit of which the distinguishing mark has become illegible due to natural fading: Provided that the said distinguishing mark shall be submitted to the commission or the board concerned, as the case may be, as proof of the natural fading thereof.

**[subregulation (3) substituted by AG 56/1978 and AG 171/1983]**

**Public permit or private permit**

- (i) R100 per motor vehicle for the first issue of a permit or the renewal thereof for an indefinite period;

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

- (ii) R10 per motor vehicle for each transport year or part thereof if the commission or a board should decide to issue or renew a permit for a specified period;
- (iii) R10 per permit in the case of a transfer or amendment;
- (iv) R10 per duplicate permit;
- (v) 50 c per motor vehicle for the amendment of the time-table or tariff of charges set forth in that permit.

(4) Any person appealing in terms of section 8 of the Act against an act, direction or decision of a board shall, with his appeal, deposit the amount of R100 with the commission,

(5) If-

- (a) the commission rejects an appeal in terms of section 8(2)(a) of the Act, the full amount specified in subregulation (4) shall be forfeited by the appellant;
- (b) the commission upholds an appeal in terms of section 8(2)(b) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant;
- (c) the commission partially upholds an appeal in terms of section 8(2)(c) of the Act, the full amount specified in subregulation (4) or any part thereof, may be refunded to the appellant at the commission's discretion;
- (d) an appeal lodged with the commission in terms of section 8 of the Act is withdrawn by the appellant, the full amount specified in subregulation (4), or any part thereof, may be refunded to the appellant at the commission's discretion;
- (e) the chairman or a member of the commission refuses an application for the condonation of the late filing of an appeal in terms of section 8(3)(a) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant;
- (f) any act, direction or decision of a board against which an appeal is brought is set aside and remitted to the board concerned by the chairman or a member of the commission in terms of section 8(3)(c) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant.

(6) Every person required in terms of section 9(1)(b) of the Act to appear before the commission or a board and to give evidence or to produce any book, plan or other document or object shall be paid such witness fees as are paid to any witness attending or subpoenaed to give evidence in a civil case before a magistrate's court.

(7) Whenever an applicant for a public or private permit or any interested party who has submitted representations in support of or in opposition to an application, approaches the commission or a board for a copy of such application form or of a document which the applicant has submitted with his application or for a copy of the representations in support of or in opposition to the application, the following fees shall be payable -

- (a) Basic administration fees ..... 30c per file

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

- (b) Copies ..... 10c per page

[subregulation (7) inserted by AG 171/1983]

**INQUIRY AND ARBITRATION**

**19.** (1) Whenever the Minister directs the commission or a member thereof to institute a public inquiry in terms of section 28(1) of the Act, the notice of such inquiry shall, in terms of section 28(2) of the Act, specify -

- (a) the venue of the inquiry;
- (b) the time and date of commencement of the inquiry;
- (c)

[paragraph (c) deleted by AG 171/1983]

- (d) if such inquiry is instituted by a member of the commission, the full names of that member.

(2) The notice referred to in subregulation (1) shall be published in one issue of the *Gazette* and in at least one issue of an Afrikaans newspaper and of an English newspaper circulating in the province in which the road transportation concerned is undertaken.

- (3)

[subregulation (3) deleted by AG 171/1983]

**ARBITRATION**

**20.** Compensation by arbitration in terms of section 26(6) and 28(6) of the Act shall be determined by two arbitrators of whom one shall be nominated by the

Secretary for Transport and the Other by the party or parties to be compensated. If the party or parties fail to nominate an arbitrator or to advise the Secretary for Transport of such nomination within 14 days after having been called upon by the Secretary for Transport to do so, the Secretary for Transport may himself also nominate the second arbitrator.

**COMMITTEE FOR PURPOSES OF SECTION 27 OF THE ACT**

**21.** (1) The committee, which the Minister may appoint in terms of section 27 of the Act, shall consist of three members.

- (2) Of the members of the committee -
  - (a) one shall be an officer of the Department of Transport, who shall also act as chairman of the committee;
  - (b) one shall be an officer of the Treasury; and
  - (c) one shall be an employee of the South African Railways and Harbours.

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

(3) The Minister may, at his discretion, appoint any person whom he considers to have an interest in the matter dealt with by the committee an advisory member of the committee, and an advisory member thus appointed shall attend meetings of the committee only when requested thereto in writing by the chairman.

(4) A member of the committee, including an advisory member appointed under subregulation (3), shall hold office at the Minister's pleasure, but shall vacate his office -

- (a) if he terminates his services with the Government Department concerned or with the South African Railways and Harbours, as the case may be, in whose employ he was at the time of his appointment as advisory member of the committee;
- (b) upon being relieved of his office in terms of subregulation (6) or upon resigning by written notice addressed to the Minister.

(5) The office of a member or advisory member shall become vacant upon his demise.

(6) The Minister may relieve a member or an advisory member of the committee of his office -

- (a) if, in the Minister's opinion, he has been guilty of improper conduct or has regularly neglected his duties as a member of the committee; or
- (b) if, in the Minister's opinion, he is not capable of the efficient discharge of his duties as a member of the committee.

**POWERS AND DUTIES OF COMMITTEE**

**22.** The committee appointed under section 2(h) of the Act may -

- (a) negotiate with the holder referred to in section 27 of the Act in an attempt to find alternative routes or areas for the vehicles covered by the permits that are to be withdrawn or amended;
- (b) make recommendations to the commission or to a competent board in regard to any application for or pertaining to a public permit which the holder referred to in paragraph (a) may lodge with the commission or with a board, as the case may be;
- (c) negotiate with the holder referred to in paragraph (a) and With any other interested party and make recommendations with a view to effecting the change-over from road transport to transport by rail with the least possible disruption and at the lowest possible cost to all parties concerned;
- (d) meet at any place it deems the most suitable, and inspect any place, route or area whose inspection it deems desirable.

**GENERAL PROVISIONS**

**Returns**

**23.** (1) If so directed by the commission or by a competent board, the holder of a permit shall, not later than 10 days after the end of each calendar month, submit a return, which

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

shall be in the form prescribed by the commission from time to time, to the commission or a competent board, as the case may be, in which at least the following shall be shown:

- (a) In the case of passengers, the number of passengers conveyed during the previous calendar month in the vehicle to which such permit relates and the distance in kilometres covered in the process within each area and/or on every route specified in the permit (urban and rural areas to be shown separately); and
- (b) in the case of goods, the total mass in kilograms of goods conveyed in the previous calendar month in the vehicle to which such permit relates and the distance in kilometres covered in the process within each area and/or on every route specified in such permit (urban and rural areas to be shown separately): Provided that, if it is not possible to give the exact total mass, an estimate of the total mass will suffice.

(2) If the holder of a permit did not convey any persons or goods during any calendar month under the authority conferred by such permit, he shall, not later than 10 days after the end of that calendar month, notify the commission or competent board, as the case may be, accordingly.

**Records**

**24.** (1) The holder of a permit shall, on the vehicle to which that permit relates, keep in respect of each trip made by such vehicle an accurate record showing -

- (a) in the case of passengers, the number of passengers (separate records shall be kept in respect of each area and/or route specified in such permit);
- (b) in the case of goods -
  - (i) the places between which and the area or areas within which goods are conveyed;
  - (ii) the names of consignors and consignees;
  - (iii) the number of parcels and a brief description of the goods; and
  - (iv) the mass of each consignment: Provided that if it is not possible to give the exact mass of each consignment of goods, a reasonable estimate of the mass will suffice.

(2) The records referred to in subregulation (1) shall be completed -

- (a) in the case of passengers, by the driver of such vehicle or, if a conductor is on duty on that vehicle, by the conductor at the end of each forward and return journey;
- (b) in the case of goods, by the holder of such permit or by his employee upon receipt of such goods by the said holder or his employee.

(3) The records referred to in subregulation (1) shall be kept on the vehicle by the driver of the vehicle to which such records relate or, if a conductor is on duty on that vehicle, by such conductor, and shall be made available for inspection upon request by an authorised officer.



**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

(4) Every record completed in terms of these regulations shall be kept by the holder of the permit concerned in such a way as to be readily available for inspection by an authorised officer at any time during a period of 12 months from the date on which such record was completed.

**Information on vehicles**

**25.** (1) Particulars required by section 24(1)(c) of the Act to appear on a motor vehicle to which a public or private permit relates, shall be inscribed on both sides of such motor vehicle, or where this is not practically feasible, on another conspicuous place on the motor vehicle, in a colour that shows up clearly against the background on which they are inscribed.

[subregulation (1) substituted by AG 56/1978 and AG 171/1983]

(2)

[subregulation (2) deleted by AG 50/1981]

(3) The letters and figures used in the inscription of particulars in terms of subregulation (1) or of the notice in terms of subregulation (2) shall have the minimum dimensions specified in regulation 2(2).

[subregulation (3) substituted by AG 56/1978, amended by  
AG 50/1981 and substituted by AG 171/1983]

**Powers, duties and functions of authorised officers**

**26.** (1) Every inspector shall wear the identification issued to him by the Secretary for Transport, and upon being so requested, such inspector shall show his identification to every person with whom he deals in his official capacity.

(2) Apart from the duties and powers referred to in the Act and elsewhere in these regulations, an authorised officer may in relation to road transportation -

(a) direct a motor vehicle to stop and examine goods conveyed thereon to establish whether such vehicle is being used for road transport and for the purpose of stopping a vehicle, a lamp emitting an intermittently flashing blue light in any direction and a stop sign with border and legend of white reflectorised material against a red reflectorised background and clearly legible at a distance of 100 metres, may be used;

[paragraph (a) amended by AG 171/1983]

(b) require the driver of a motor vehicle to furnish his name and address and any documentary evidence in support thereof and the name and address of the owner of the vehicle, as well as particulars of the business in connection with which such vehicle is being used;

(c) require that the driver or other person in charge of a motor vehicle forthwith produce for inspection any documents or other records in or on the vehicle or in his possession that in any way relate to the goods or persons being conveyed on such vehicle;

(d) require that any person on a motor vehicle believed to be used for road transport or any person believed to have been on such a vehicle recently furnish his full name

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

and address and any documentary evidence in support thereof and that he state whether he has paid or has to pay any consideration for his conveyance on such vehicle, and that he furnish the name and address of the person to whom he had or has to make such payment;

- (e) require that the driver of or any person on a motor vehicle furnish the name and address of the consignor and the consignee of goods being or about to be conveyed on such vehicle, as well as the names of the places between which such conveyance is to take place;
- (f) require that the records to be kept in terms of regulation 24 be produced by the driver of a motor vehicle or by the conductor, if any for inspection;
- (g) enter any premises at any reasonable time to conduct an investigation within the ambit of his duties as authorised officer, and may, while he is on or in such premises or at any other reasonable time, question any person who, in his opinion, may be able to furnish any information required by him; and he may require that any person forthwith, or at such time and place as he may determine, hand over to him all books and documents which, in his opinion, may serve as proof of the commission of an offence or an alleged offence in terms of the Act, and he may examine such book or document and make extracts therefrom or copies thereof, and demand an explanation of any entries in such book or document: Provided that any person thus questioned or required to furnish an explanation shall be entitled to all the privileges to which any person testifying before a court of law would be entitled;
- (h) require that the driver or other person in charge of a motor vehicle used for road transport produce any documents which have been issued by the commission, a board or a local authority in respect of that vehicle and which are required by law to be kept on that vehicle;
- (i) require that the driver or other person in charge of a motor vehicle which is used for road transport and which is so defective as to be a possible danger to persons and property, forthwith hand over the current permit, as well as the distinguishing mark relating to such vehicle, and that he cease his activities until such time as such defect has been remedied;
- (j) upon the order of the commission or of a board impound every permit specified in such order and hand the same to the commission or to the board that issued such order;
- (k) require that the driver or other person in charge of a motor vehicle whose load is so sealed and/or locked as not to permit of ready examination, forthwith open the seal and/or lock or device with which such load is locked to permit of such load being examined, and if the driver or other person in charge of such vehicle fails or refuses to comply with such requirement, he may forcibly break the seal and/or lock or device with which such load is sealed or locked so that he may be able to examine such load;
- (l) after examining the load of a motor vehicle which had been sealed or locked and whose seal, lock or locking device, had been opened or forced open in terms of paragraph (k) reseal such load with an official seal and issue the driver or other person in charge of such vehicle with a certificate in the form prescribed by the commission in which it is confirmed that the seal and/or locking device had been

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

---

opened or forced open by order of an authorised officer and in which details are given of the official seal with which such load was resealed.

(3) Apart from the duties and powers specified in the Act and elsewhere in these regulations, an inspector, and any member of the South African Police may impound any motor vehicle reasonably suspected of having been used in connection with the conduct of unauthorised road transportation, as well as the goods conveyed on such vehicle.

(4) Upon the impoundment of any motor vehicle or goods in terms of subregulation (3), the person who made such impoundment shall forthwith cause such vehicle or goods to be taken to a police station whereupon the matter shall be dealt with in accordance with the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977).

**Offences and penalties**

27. Any person who -

(a) contravenes or fails to comply with the provisions of regulations 13, 14, 17, 23, 24 or 25;

[paragraph (a) amended by AG 171/1983]

(b) fails to comply with any requirement or order under regulations 2, 3(3), 3(4), 7(3), 7(5) or 10(3); (c) fails to comply forthwith with any request made under regulation 26(2)(b), (c), (d), (e), (f), (g), (h) or (i); shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 35 of the Act.

SHORT TITLE

28. These regulations shall be known as the Road Transportation Regulations, 1977.

REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF TRANSPORT

NOTICE

Road Transportation Act, 1977 (Act 74 of 1977),

Name .....

Address .....

You are hereby required and directed to appear personally before the National Transport Commission\*/Local Road Transportation Board .....

at ..... | on the .....  
day of ..... 19..... at ..... to testify and declare all you  
..... know with.....

regard to.....

.....

.....

and to bring with you the following books, plans, papers and/or objects for submission to the commission\*/local board\* .....

.....

**REGULATIONS**  
**Road Transportation Act 74 of 1977**  
**Road Transport Regulations**

.....  
.....  
.....  
Dated at on this ..... day 19.....  
..... of  
.....

.....  
Chairman\*/Secretary\*  
National Transport Commission\*  
Local Road Transportation Board\*  
.....

\* Delete whichever is not applicable,

**FOR OFFICIAL PURPOSES ONLY**

I certify that I have served this notice upon the within-named person by -

\* (a) delivering a true copy to him/her PERSONALLY;

OR,

\* (b) leaving, as he/she could not conveniently be found, a true copy with an inmate at his/her -

	place of business
	usual place of abode/
	last known place of abode

at.....  
at..... on this ..... day of..... 19.....  
and at the same time informing him/her of the nature and exigency thereof.....

Place..... Signature of authorised officer

\* Delete whichever is not applicable

+ Insert cross in appropriate block