

# THE LOCAL AUTHORITY ROAD TRAFFIC REGULATIONS 2017

## ARRANGEMENT OF REGULATIONS

### PART 1

#### PRELIMINARY

1. Citation
2. Interpretation

### PART 2

#### REGISTRAR AND OFFICERS

3. Qualification of a Traffic Officer
4. Definition of a Peace Officer
5. Related traffic officers job descriptions, Inspector of Dangerous Goods, Weighbridge Officers, local authority traffic officers
6. Functions and powers of a Traffic Officers
7. Appointments of officers
8. Local authority approval to appoint traffic officers, inspectors and examiners

#### SHORT TITLE AND COMMENCEMENT

1. These regulations may be cited as the Local Authority Regulations, 2017 and shall come into operation on a day to be fixed by the Minister by notice published in the gazette.

#### DEFINITIONS

2. In these regulations, an expression that has been defined in the ACT has that meaning and, unless the context indicates otherwise –

**“Acceptable identification”** means-

- (a) a temporary identity certificate, an identity document or identity card issued in terms of the identification Act.
- (b) in the case of a person not permanently resident in Swaziland, an identity document issued by a foreign country which is recognized and confirmed by Royal Swaziland Police through Interpol unit.
- (c) In the case of –
  - (i) A company, a certificate of incorporation or name change issued in terms of the companies Act.
  - (ii) A close corporation, a founding statement or a certificate of name change issued in terms of the close corporations Act.
- (d) in the case of a person carrying on a business for the purposes of this definition includes activities or body or persons not referred to in paragraph (c)
- (e) a driving licence card issued in terms of Section 32 of the Road Traffic Act 2007
- (f) a certified copy of applicable certificate or document referred to paragraph (a) to (e)

**“Appropriate registering authority”** means-

- (a) subject to the provisions of paragraphs (b), (c) and (d), in relation to any matter referred to in these regulations-
  - (i) in relation to a person, the registering authority in whose area of jurisdiction such person permanently resides;
  - (ii) in relation to a person carrying on a business, which for the purposes of these regulations includes farming activities, the registering authority in whose area of jurisdiction such business is situated: provided that every branch of such business shall be deemed to be a separate business;
  - (iii) in relation to a body of persons which has a fixed address, the registering authority in whose area of jurisdiction such address is: Provided that every branch of such body shall be deemed to be a separate body of persons; or
  - (iv) in relation to a body of persons which does not have a fixed address, the registering authority in whose area of jurisdiction the proxy or representative of such body permanently resides: provided that every branch of such body shall be deemed to be a separate body of persons;
- (b) in relation to the registration of a motor vehicle –
  - (i) subject to the provision of items (ii), (iii), (iv) and (v), the appropriate registering authority of the title holder, and in the case of an application for a registration certificate as contemplated in regulation 26 the appropriate registering authority of the title holder or owner, whatever the case may be;
  - (ii) if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, unit a registration certificate has been issued in respect of such motor vehicle;
  - (iii) of which the title holder is a department of state which has been appointed as a registering authority, such department of state;
  - (iv) of which the title holder is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons determined by the minister of foreign affairs, the department of foreign affairs; or
  - (v) of which the title holder does not permanently reside in the republic, the appropriate registering authority of the owner;
- (c) in relation to the licensing of a motor vehicle –
  - (i) subject to the provisions of items (ii) and (iii), the appropriate registering authority of the owner;
  - (ii) of which the owner is a department of state which has been appointed as a registering authority, such as department of state; or
  - (iii) of which the owner is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons as determined by the Minister of foreign Affairs, the Department of foreign Affairs;
- (d) in relation to any other matter and in any circumstances not provided for in the foregoing, the registering authority nominated by the minister concerned;
- (e) of which the title holder is a department or a unit which has been appointed as a local traffic authority such department or unit be -
  - (i) well conversant with the entire road traffic act, road traffic regulations and road traffic (fines) regulations and road transportation act.
  - (ii) in relation to registration of a local traffic authority:
    - (aa) subject to item ii) iii) iv) v) the appropriate registering local authority has been appointed as an agent of the department of transport.
- (f) in relation to appointment of authorized officers
  - (i) subject to provision of Part II Section 5 (1-5), 12 and 12 (a-b)
  - (ii) in relation to powers of a local authority in the road traffic act 2007 section 104 (1-4)

**(g) “approved registering authority”**

- (i) in relation to any other matter and in any circumstances not provided for in the foregoing, the registering authority nominated by the Minister, of which is a Department of the Ministry of Housing which has been appointed as a Local Traffic Authority such department
- (i) well conversant with the entire Road Traffic Act 2007 which will stand a traffic officer/peace officer in good stead in the traffic field as per Road Traffic Act 2007 Part II section 5
- (ii) in relation to registration of a local traffic authority
  - 1. subject to in terms of (ii) (iii) (vi) (v) the appropriate registering local authority has been appointed as an agent of the Department of Transport as per Road Traffic Act 2007 such appointment as a local traffic agency registration certificate authority to such local authority of the Ministry of Housing
- (c) in relation to registration of Traffic Courts (Public Order Act 40 /1964/2007 – establishment of courts & prisons Section 22 1 a-b; 29 (1))
- (d) in relation to appointment of authorized in terms of Authorized Officers
  - 2. subject to provisions of Section 5 Part II 1-5, 12 and 12A-B
  - 3. in relation to Powers of Local Authority in RTA 2007 Section 104 1-4.

“**AOG**” means the level of administration of guilt fines which may be paid for offences committed under this Regulation or Act without appearance in court within the local authority

“**Approved**” means approved by the Minister by notice in the gazette;

“**Authorised Officer**” – means an examiner examiner for drivers licence, examiner of motor vehicle inspector of licence , a traffic officer, a traffic warden or an inspector for Government vehicles, and includes any other person whom the Minister may, by notice in the Gazette, declare to be an authorized officer from time to time

“**BYLAW**” - means a bylaw issued under the laws of a local authority in terms of Section 104

“**junction**” means that portion of an intersection contained within the prolongation of the lateral limits of the intersection roadways and include any portion of the roadway between such lateral limits, and any stop or yield line marking which is painted at such intersection;

“**Justice**” means any justice of the peace appointed or exercising function under any law

“**License disc**” means a disc issued in terms of regulation 35

“**Longitudinal centre-line**” in relation to a vehicle, means a line midway between the centre-lines of the extreme outer wheels fitted to the axles of such vehicle;

“**LAW ENFORCEMENT OFFICER**” – means a peace officer only on the respect of offences referred to in the notices of the Government Gazette – Offences committed in terms of :

- bylaw or regulations made for or by local or National Authority which appointed the particular law enforcement officer
- such officer may issue a Section 117 Intended Notice (ticket) in respect of those offences and no other offences.

“**Local Authority**” – means –

- (a) an authority appointed by law;
- (b) failing that, such other person or body as the Minister may appoint to exercise control over road and traffic in a specific area;

**“Minister”** – means the Minister responsible for Transport

**“Minibus”** means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, including the driver;

**“Modify”** means-

- (a) fitting a bus body or goods body to any chassis;
- (b) altering the number of passenger seats on a bus or altering the dimensions of a bus;
- (c) altering the wheelbase of a vehicle, unless the vehicle is designed to enable the wheelbase to be altered;
- (d) altering the axle or axle-unit position or number of axles;

**“Motor car”** means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle, designed or adapted solely or principally for the conveyance of not more than nine persons, including the driver;

**“Municipality peace officer”** means an authorized officer appointed by a local authority under Part II Section 5 of the Road Traffic Act 2007 read with the Criminal Procedure and Evidence Act 1938 and Urban Housing Act 1995

**“PEACE OFFICER”** includes any magistrate or justice or deputy sheriff and police or person carrying out under any law the powers, duties and functions of a police officer in Swaziland, a gaila or warder or any person or gaol or any chief.

**“Police Officer”** means a member of –

- (a) the Royal Swaziland Police Force
- (b) the police force reserve established under the Police Reserve Act 62 of 1962

**“prescribe”** – means prescribed by regulation

**“ RTA”** – means Road Traffic Act of 2007

**“SWASA”** means a standard regulatory body the Swaziland Standard Authority”

**“stop lamp”** means a device fitted to a vehicle for the purpose of signaling, by means of a light, the intention of the driver of such vehicle to stop or reduce the speed of such vehicle;

**“SECTION 117 NOTICE – SUMMONS”** – means notice issued by a peace officer or traffic officer as a summon only to persons who allegedly to have committed a traffic offence whom the person has an option to pay an admission of guilt fine or go to court. Magistrate conviction may not exceed E 800.00 emalangeni or 6 months imprisonment or both, at Local authority Level; as per Part XI of RTA 2007 ss 104 (4). The notice contain:

- place to appear on Court no.
- date to appear in court
- stipulate a fine to pay without appearing in court
- original served to accused on place where offence occurred
- particulars of traffic offender
- offence description

**“SECTION 341 NOTICE”** – means a notice issued by a peace officer or traffic officer as a summon of intended prosecution when no person is in the motor vehicle, where such vehicle is contravening a traffic sign or road marking in the boundaries or jurisdiction of a local authority; where such fine can be paid on the spot or local authority traffic offices.

**“SECTION 44 NOTICE”** – means a notice issued by a traffic officer or peace officer in respect of a motor vehicle to discontinue its operation on a public road or present such motor vehicle for a roadworthiness test:

- contains particulars of motor vehicle
- suspects/opinion of peace officer or traffic officer that vehicle is un-roadworthy due to items mentioned alongside
- condition of use either towed by breakdown or driven
- and Registered Authority

**“TRAFFIC OFFICER”** – means a traffic officer appointed in terms of the Road Traffic Act 2007 Part II Section 5.

**“TRAFFIC CODE”** – means the code adhered by traffic officers or peace officers in the performance of their duties which includes:

- dress code
- grooming standards
- rank markings and saluting
- traffic profession code of conduct
- force administration(standard operating procedures – SOP)
- code of ethics
- prevention of traffic violations and accidents

**“urban area”** – means that portion of gazzeted area of jurisdiction under a local authority

## **Part 2**

### **REGISTRAR AND OFFICERS**

Qualifications of Examiner of Drivers Licences

3. An Inspector of Licences shall possess the following qualifications

- An O'level certificate.
- A Diploma in Examiner of Drivers Licence (EDL) obtained from a recognized traffic institution by the state.
- A valid driver's licence (code B, or EB, EC1, EC)

Functions and powers of Examiner of Drivers Licences

4. Functions and powers of Examiner of Drivers Licences are contemplated in Section 9 of the Act.

#### **A. Qualification of a Traffic Officer**

A traffic officer shall possess the following qualifications

- An O'level certificate
- A Diploma in Traffic (TO) or / [Traffic Wardens Certificate at local authority]
- A valid driver's licence (code B, or EB EC1, EC)

Notwithstanding the above a Traffic Officer shall execute the duties of the following with the qualification of a Diploma in Traffic

- (a) weighbridge operator
- (b) municipal traffic officer
- (c) dangerous goods Inspector
- (d) Anti Hijack inspector
- (e) Public Transport Inspector
- (f) Freight and Goods Inspector
- (g) traffic warden

## **B. Function and powers of a Traffic Officer**

Functions and powers of traffic officers are as contemplated in Section 7 (1-2) of the Road Traffic Act 2007

Manner of application and registration as Inspector of Licences, Examiner of Vehicles, Examiner for Driving Licences or Traffic Officer or Traffic Warden.

## **REGISTRATION OF A TRAFFIC OFFICER OR TRAFFIC WARDEN**

5. An application in terms of section 5 of the Act for registration as an as Inspector of Licences, Examiner of Vehicles, Examiner for Driving Licences or Traffic Officer or Traffic Warden as the case may be, shall be made to the Director RTD Ministry of Transport or CEO of Local Authority, and shall be accompanied by acceptable identification of the applicant and a certified copy of any document, certificate or diploma relating to the applicant's competence and registration requirements as referred to in section 5 of the Act.

### **6. Holders of Certificate of Appointment and Identification – enforcement instrument**

All authorized officers shall carry a certificate of appointment and identification signed by the Minister or Local Authority

A. The appointment card shall bear the following:

- (a) Holder of the Appointment Certificate
- (b) Full names
- (c) ID number
- (d) Photograph
- (e) Signature
- (f) Description of capacity in which person has been appointed
- (g) The name of the employer who made the appointment, the Minister or Local Authority
- (h) Stamp of Ministry or Local Authority

### **7. Authorized officers**

Authorized officer shall include the following:

- Traffic officers
- Local authority traffic officers
- Peace Officers
- Weighbridge Officers
- Dangerous Goods Inspectors
- Public Transport Inspectors
- Freight and Goods Inspectors
- Inspector of Drivers Licence
- Inspector of Government Vehicles
- Traffic Warden
- Anti hijack Inspectors
- Inspector of Motor Vehicles

## **9. APPOINTMENT OF OFFICERS**

### **PARTII SECTION 5 OF THE ROAD TRAFFIC ACT 2007**

### **appointments of officers**

For the purposes of this Regulation

- (1) the Minister or local authority may, in accordance with the prescribed conditions, appoint persons as –
- (a) examiners of drivers licence
  - (b) examiners of vehicles
  - (c) inspector of licences
  - (d) inspector of Government vehicles
  - (e) traffic officers
  - (f) traffic wardens
  - (g) traffic magistrate/ traffic prosecutor

### **(2) APPOINTMENT OF A LOCAL AUTHORITY TO APPOINT TRAFFIC OFFICERS, INSPECTORS AND EXAMINERS**

For the purposes of this Regulation subject to the approval of the local authority by the Minister as per the Road Traffic Act 6 of 1965 ss 5b to appoint the above officers;

Provided that he may appoint a person to two or more such offices; and

- (a) A local authority, or any two or more local authorities, may, with the prior approval of the Minister, appoint one or more traffic officers, inspectors of licences, examiners of vehicles and examiner for drivers licences, for the area of its or their jurisdiction, upon such terms as may be mutually agreed upon and may appoint a person to two or more of those offices.
- (b) Save in exceptional circumstances, no person shall be appointed as an examiner of vehicles if he is either directly or indirectly pecuniarily interested in the manufacture, sale, repair or renovation of motor vehicles.
- (c) Nothing in subsection 2(a) shall be deemed to prevent the exercise or performance, in the area of a local authority by an officer appointed by the Minister, of a function which that officer is authorized or required to exercise in accordance with this Regulation or under the repealed law.

### **(3) AGREEMENTS RELATING TO EXECUTION AND PERFORMANCE OF CERTAIN FUNCTIONS**

Subject to the Road Traffic Act 2007, Section 125 (1), (2), (3), and (4)

1. The Minister may enter into agreement with a person or local authority which provides conditions as the Minister may determine, for performance of any function assigned to the

Minister , other than a function to the Minister by section 103 and 118, by or under the provision of this Regulation or Act –

2. the Minister shall within 60 days of the date on which he enters into an agreement referred to subsection (1), give notice in the Gazzette that such agreement was entered into.
3. the Minister may, subject to such condition as he may determine, permit any other functionary to enter into an agreement with any person or local authority which provides for the performance of any function assigned to such functionary by or under the provisions of this Regulation or Act

#### Manner of suspension or cancellation of registration of authorized officer

- 8.A. (1) The inspectorate of driving licence testing centres or inspectorate of testing stations in terms of section 3E(1) of the Act, or the Director RTD or CEO of the Local Authority in terms of section 3E(2) of the Act, whatever the case may be, shall, in considering the suspension or cancellation of the registration of an authorized officer-
- (a) notify the officer concerned; and
  - (b) inform the officer concerned that he or she may submit in writing, within 21 days after such notification, any aspect that may be taken into account in considering such suspension or cancellation, to the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be.
- (2) if the inspectorate of driving licence testing centres, inspectorate of testing stations or the chief executive officer, whatever the case may be, suspends or cancels the registration of an officer, it, he or she shall-
- (a) notify such officer of the reason for the cancellation or suspension and the period of suspension (if applicable); and
  - (b) update the register of authorized officers referred to in regulation 331(4)(a) accordingly.
- (3) an officer whose registration has been cancelled or suspended, shall within 14 days after being notified of such cancellation or suspension-
- (a) submit the certificate of registration referred to in regulation 1C(1) to the chief executive officer, who shall deal with such registration certificate I the manner prescribed in section 3E(5) of the Act; and
  - (b) submit the certificate of appointment referred to in section 5 of the Act to the authority who appointed him or her.

#### **8 B Manner and traffic code of conduct**

“**TRAFFIC CODE**” – means the code adhered by traffic officers or peace officers in the performance of their duties shall includes:

- dress code
- grooming standards
- rank markings and saluting
- traffic profession code of conduct
- force administration(standard operating procedures – SOP)
- code of ethics
- prevention of traffic violations and accidents

#### **Identification lamps**

9(1) there may be fitted, above the wind-screen of a motor vehicle, the gross vehicle weight of which exceeds 3500 kg and which is not an ambulance or a fire fighting, police or traffic control vehicle, two or more identification-lamps, each-

- (a) not exceeding a capacity of twenty one watts'



- (b) visible from a position directly in front of the vehicle to which the lamp is fitted;
- (c) in the case of a bus, green in colour, and;
- (d) in the case of a goods vehicle, violet in colour

(2) an identification lamp of the colour listed below, emitting in any direction an intermittently-flashing light, may be fitted above the wind-screen, to the following motor vehicles-

- (a) in the case of a Royal Swaziland Police vehicle, blue in colour
- (b) in the case of an ambulance, red in colour;
- (c) in the case of a fire fighting vehicle, red in colour;
- (d) in the case of a recovery or an essential service vehicle, amber in colour; and
- (e) in the case of an prisons vehicle, amber in colour
- (f) in the case of army vehicle, combination of blue and red colour;
- (g) in the case of a road transportation inspectors vehicle, a combination of blue and amber colour
- (h) in the case of a private security companies vehicle, lime in colour
- (i) in the case of government vehicle inspector, combination of blue and amber colour
- (j) in the case of a traffic officer, a combination of blue and amber colour
- (l) in the case of a Dangerous Goods Inspector, a combination of blue and amber colour
- (m) in the case of a local authority traffic officer, a combination of blue, red and amber colour
- (n) in the case of a Civil Defence Service, a green colour
- (o) in the case of a medical practioner/ doctor, a red colour
- (j) a vehicle carry an abnormal load , and the vehicle escorting it if any , amber in colour

### **Inspection lamp**

10.

(1) an inspection lamp may be carried on, or fitted to , a vehicle

(2) such a lamp shall only be displayed if actually in use for the purpose of carrying out repairs or inspections.

### **Part 3**

#### **PROFESSIONAL DRIVING PERMIT**

##### **Certain drivers of certain vehicles to hold professional driving permit**

11. (1) Subject to the provisions of Section 40 of the Act , a professional driving permit shall be held by the driver of-

- (a) a goods vehicle, the gross vehicle mass of which exceeds 3500 kilograms;
- (b) a breakdown vehicle;
- (c) a bus;
- (d) midi-bus
- (e) bus-train
- (f) a minibus-
  - (i) the gross vehicle mass of which exceeds 3500 kilograms; or
  - (ii) which is designed or adapted for the conveyance Of 12 or more persons, including the driver;
- (g) a motor vehicle used for the conveyance of persons or goods for reward;
- (h) a motor vehicle used for the conveyance of persons or goods for trade purposes;
- (i) a motor vehicle carrying dangerous goods the gross vehicle mass of which exceeds 3 500 kilograms or a vehicle to which standard specification SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" or standard specification SABS 1518 "Transportation of dangerous goods – design requirements for road tankers" apply; and

- (j) a motor vehicle conveying 12 or more persons including the driver.
- (2) The provisions of subregulation (1) does not apply-
- (a) to a traffic officer or examiner of vehicles in the performance of his or her duties as contemplated in sections 31 and 3G of the Act; respectively;
  - (b) to a person driving a hearse owned by the State.
  - (c) to a person driving a motor vehicle referred to in regulation 31(1)(a)(ii) or 31 (1)(b) to (g);
  - (d) subject to regulation 246(2) to a person driving a motor vehicle for which he or she holds a valid learner's licence with the code prescribed for that vehicle in terms of regulation 246(1), while being accompanied by a person holding a valid professional driving permit which authorizes him or her to drive that vehicle;
  - (e) to a person driving a tractor.

## **PART 4**

### **LAMPS, OTHER LIGHTING AND OTHER EQUIPMENT ON MOTOR VEHICLE**

#### **Vehicles to be equipped with certain lamps and times when certain lamps to be lighted**

12. (1) No person shall operate on a public road a motor vehicle unless-
- (a) all lamps fitted to a motor vehicle as contemplated in Transportation Act 6/1965 Part IV rr23 – rr 42, are undamaged, properly secured, and capable of being lighted at all times; and
  - (b) The head lamps, rear lamps and number plate lamps are kept lighted during the period between sunset and sunrise and at any other time when, due to insufficient light or unfavorable weather conditions, persons and vehicles upon the public road are not clearly discernible at a distance of 150 meters: provided that the provisions of this paragraph shall not apply to a motor vehicle parked off the roadway of a public road or in a parking place demarcated by appropriate road traffic signs or with a distance of 12 meters from a lighted street lamp illuminating the public road on which such vehicle is parked.

#### **Fire extinguishers**

13. (1) Every public service vehicle shall carry in a readily accessible position at least one fire extinguisher which shall be of-
- (a) the dry powder type with a capacity of at least one kilogram; on
  - (b) the halogenated hydrocarbon type (BCF) with a capacity of at least one kilogram and which shall be in good working order.
  - (c) A Bus
    - the dry powder type with a capacity of at least 3kg
    - A first aid box
    - An axe
    - Two emergency triangles
  - (d) Every heavy motor vehicle that exceeds 3500kg or goods vehicle shall have at least 1 fire extinguisher
    - 9 kg
    - 2x 9kg for semi trailer and trailer

## Notice in terms of section 117 and 44 of the Act to discontinue operation of motor vehicle

14. (1) A traffic, or examiner of vehicles in conjunction with a traffic officer, may in terms of **section 44** of the Act issue a notice on form NTD as shown in Schedule 2, to direct that a vehicle shall not be operated on a public road or only be operated on a public road upon the conditions prescribed in subregulation (2), in which event he or she shall remove and destroy the licence disc or licence and roadworthy certificate disc of the motor vehicle.

(2) The said notice may contain conditions to the effect that the vehicle may be operated on a public road for a specified period, which may not exceed 14 days, subject to limitations with respect to speed, route or any other limitation determined by the traffic officer, or examiner of vehicles acting in conjunction with a traffic officer.

(3) The traffic officer, or examiner of vehicles acting in conjunction with a traffic officer, shall ensure that the particulars of the vehicle concerned is updated in the register of motor vehicles to the effect that a notice in terms of section 44 of the Act has been issued with respect to the vehicle, that the vehicle may not be operated on a public road and that the vehicle does not comply with the requirements for certification of roadworthiness.

### (4). SUMMONS IN TERMS OF SECTION 117 OF THE ROAD TRAFFIC ACT 2007

- (a) **“SECTION 117 NOTICE – SUMMONS”** – means notice issued by a peace officer or traffic officer as a summon only to persons who allegedly to have committed a traffic offence or crime whom the person has an option to pay an admission of guilt fine or go to court. Magistrate conviction may not exceed E 800.00 emalangeneni or 6 months imprisonment at Local authority as per Part XI of Road Traffic Act 2007 ss 104 (4). The notice contain:
- place to appear on Court no.
  - date to appear in court
  - stipulate a fine to pay without appearing in court
  - original served to accused on place where offence occurred
- (b) **“SECTION 341 NOTICE”** – means a notice issued by a peace officer or traffic officer as a summon of intended prosecution when no person is in the motor vehicle, where such vehicle is contravening a traffic sign or road marking in the jurisdiction of a local authority; where such fine can be paid on the spot or local authority traffic revenue offices.
- (c) **“SECTION 44 NOTICE”** – means a notice issued by a traffic officer or peace officer in respect of a motor vehicle to discontinue its operation on a public road or present such motor vehicle for a roadworthiness test:
- contains particulars of motor vehicle
  - suspects/opinion of peace officer or traffic officer that vehicle is unroadworthy due to items mentioned alongside
  - condition of use either towed by breakdown or driven
  - and Registered Authority
- (d) **“L. A. 104 DOCKET”** – means an investigation diary with documents and correspondence for the accused or traffic offender which shall bear;
- Particulars of accused
  - Court dates
  - Documents and correspondences of offender
  - Nature and description of offence
  - Findings/ results of trial
  - Disposal of docket

## POCKET & OCCURANCE BOOKS

### 15) Pocket books and occurance book

#### (A). POCKET BOOKS AND OCCURANCE BOOK – ALL TRAFFIC OFFICERS OR AUTHORISED OFFICERS SHALL CARRY POCKET BOOK TO:

- Report on duty
- Record particular fines
- Record accidents
- Record inquiries
- Record suspicious persons
- Record vehicles description
- Record addresses of witnesses to assistance to investigation

#### (B). COPY OF ENTRY IN REGISTER TO BE EVIDENCE

Subject to Section 106 of the Road Traffic Act 2007 a

1. A document purporting to be an extract from, any register or record kept in terms of this Regulation and purporting to be certified as such by the person in control of such register, shall in any court be admissible as evidence and shall be *prima facie* evidence of the truth that matters stated in such document or docket without the production of the original register or record or certificate, licence, permit, other document, microfilm, microfiche or computerized record from or of which such extract or copy was made.
2. The information contained in a register or record kept for the purposes of this Regulation shall be furnished to –
  - (a) A traffic officer or inspector of licences who requires it for the performance of his duties
  - (b) A person authorized thereto by the Minister to demand such furnishing;
  - (c) A Stat, including a court of law
  - (d) A competent authority of another country
  - (e) A local authority,

But subject thereto that the consent of the Minister or any person authorized by him shall be obtained before such information is furnished to an authority referred to in paragraph (d)

3. An authority keeping a register or record in terms of section 105 of the Act shall upon payment of the prescribed fees, furnish in information contained in in such register or records, to any other person who, in the opinion of such authority, on reasonable grounds requires such information.

#### (C) ACCIDENT REPORT CERTIFICATE

1. An accident recording shall be issued by a traffic officer or traffic warden to the driver of a motor vehicle involved in an accident at a local authority jurisdiction under this Regulation. An Accident Report Certificate under Section 88(1) of the Road Traffic Act 2007 shall be issued,
2. a person shall not receive or repair a motor vehicle which he knows or reasonably suspects to have been involved in an accident unless such vehicle is covered by an accident report certificate issued by the traffic officer or traffic warden in terms of subsection 1 or unless the person satisfies himself that the motor vehicle has been involved in an accident in which injury to a person or damage to property was caused.

## PART 5

### ROAD TRAFFIC SIGNS AND GENERAL SPEED LIMIT

#### Road traffic signs

##### Definitions

16. For the purpose of this Part--

"**abnormal vehicle**" means any vehicle which is operated under a written exemption granted in terms of section 111 of the Act and any motor vehicle accompanying such abnormal vehicle as a condition for operation;

"**agricultural vehicle**" means a vehicle designed or adapted solely for agricultural activities and includes a tractor but does not include a goods vehicle;

"**authorised vehicle**" means any motor vehicle identified by means of--

- a. a number plate;
- b. an authorised symbol or name on the vehicle; or
- c. an authorised disc affixed to the inside of the windscreen of the vehicle,

and whose identification is thereby compatible with that displayed on the appropriate road sign;

"**construction vehicle**" means a vehicle used in connection with road construction and road maintenance;

"**delivery vehicle**" means a goods vehicle, motor cycle, motor tricycle or motor quadrucycle, in the process of loading or unloading goods;

"**disabled persons vehicle**" means a motor vehicle conveying a person with a physical disability;

"**emergency vehicle**" means a fire-fighting vehicle, rescue vehicle, ambulance, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service and a member of a municipal police service, both as defined in the South African Police Service Act, 1995 (Act No. 68 of 1995) and a vehicle driven by a person engaged in civil protection as contemplated in section 3 of the Civil Protection Act, 1977 (Act No. 67 of 1977)

"**hawker**" means a person who sells or trades goods;

"**high occupancy vehicle**" means a motor vehicle in which the number of occupants equals or exceeds the number indicated on an appropriate road traffic sign;

"**junction**" means that portion of an intersection contained within the prolongation of the lateral limits of the intersecting roadways and include any portion of the roadway between such lateral limits, and any stop or yield line marking which is painted at such intersection;

"**midi-bus**" means a bus which is designed or adapted solely for the conveyance of not more than 35 persons, including the driver;

"**mini-circle**" means a type of small traffic circle, entry to which is controlled by sign R2.2;

"**painted island**" means an island marked on the road surface that serves as a channelizing device within a junction or in a public road;

"**rickshaw**" means a vehicle with two wheels designed to be pulled by a person;

"**selective restriction sign**" means a regulatory sign which comprises of a two part message which is such that the lower message modifies or qualifies the significance of the upper message;

"**taxi**" means a motor car, motor tricycle or motor quadrucycle which is designed or adapted for the conveyance of up to nine persons, including the driver, and is operated for reward;

"**tour bus**" means a mini-bus, midi-bus or a bus which is operated by or leased to a tour operator and which is solely or principally used to convey tourists;

"**traffic circle**" means a junction which contains a traffic or painted island, around which a road user travels in a clockwise direction, and "roundabout" shall have the same meaning;

"**traffic signal**" means a road traffic sign which, by means of automatic light signals, alternately directs traffic to stop and permits it to proceed;

"**tram**" means a device that operates on rails within a public road;

"**variable message sign**" means a road sign which is capable of varying its message by manual or remote control to display a different message to the message last displayed and the road sign may be light reflecting or light emitting; and

"**zig-zag-zone**" means that section of roadway delineated by a zig-zag-zone line marking RM11.

### **Purpose, classification and types of road traffic signs**

17. (1) A road traffic sign shall have one of the following purposes:

- a. Regulatory, that is a road traffic sign which directs a road user to take or not to take a specific action;
- b. warning, that is a road traffic sign calling attention to conditions on a public road which are dangerous or potentially dangerous to road users; or
- c. guidance or information, that is a road traffic sign indicating a destination, direction, distance, amenity, facility, place of interest, tourist attraction or location, or any combination of these, or a road traffic sign which imparts general information or advice to road users.

(2) Road traffic signs shall be divided into the following classes:

- a. Class I: Road signs--
  - i. regulatory signs--
    - aa. control signs;
    - bbb. command signs;
    - cccc. prohibition signs;

- ddddd. reservation signs;
- eeeeee. comprehensive signs;
- ffffff. exclusive secondary signs; and
- gggggggg. derestriction signs;

ii. warning signs--

- aa. advance warning signs--

(aaa) road layout signs;  
(bbb) direction of movement signs; and  
(ccc) symbolic signs;

- bbb. hazard marker warning signs; and

iii. guidance signs--

- aa. location signs;
- bbb. route marker signs;
- cccc. direction signs;
- ddddd. freeway direction signs;
- eeeeee. tourism direction signs;
- ffffff. diagrammatic signs;
- gggggggg. local direction signs;
- hhhhhhhhh. pedestrian signs;
- iiiiiiiiiii. toll direction signs; and

iv. information signs;

b. Class II: Road markings--

i. regulatory markings--

- aa. transverse regulatory markings; and
- bbb. longitudinal regulatory markings;

- ii. warning markings; and
- iii. guidance markings; and

c. Class III: Road signals--

i. regulatory signals--

aa. traffic signals--

(aaa) vehicular light signals; and

(bbb) pedestrian light signals;

(ccc) pedal cycle light signals;

bbb. red flashing signal;

cccc. overhead lane direction control signals; and

ddddd. other regulatory signals; and

ii. warning signals--

aa. warning flashing signals; and

bbb. warning flag signals.

(2A) The road traffic signs which fall under the classes referred to in subregulation (2) are contained in Schedule 1 and shall have the significance ascribed to it in that Schedule.

(3) A regulatory, warning, guidance or information sign for which a temporary sign number is allocated may be used in the temporary sign colours as prescribed by regulation 302A(1)(b): Provided that this provision shall not apply to any control regulatory sign, location guidance sign or tourism direction guidance sign.

(4) (a) When no specific symbol is available for the regulatory or warning message required, a word message may be used on the background of a regulatory or warning sign of standard shape, size and colour, and the letters used shall be black semi-matt on a white or yellow background or white on a blue background.

b. The lettering shall substantially conform to one of the standard letter styles detailed in the Southern African Development Community Road Traffic Signs Manual and shall be of a maximum size permitted by the space available and the message to be displayed, but shall not be less than 70 millimetres in height.

c. 15. Signals by drivers and Police Officers

d.

**e. Compulsory signals by drivers**

f.

g. (1) The signals to be given in terms of sections 65 of the Act shall be as set out in this Part.

**h.**

**i. General requirements in respect of signals by drivers**

j.

k. (2) all signals shall be given in a conspicuous manner, and of sufficient duration to indicate, to other users of the road likely to be affected by the signal, the intention of the driver.

l.

**m. Left-turn hand-signal**

n.



- o. (3) subject to regulation 15, the driver of a vehicle on a public road who intends to turn to the left shall, before reaching the point at which he intends to turn extend his right arm sideways from the shoulder with the forearm pointing downward, and move his forearm with a circular anti-clockwise motion.

p.

**q. Right –turn hand-signal**

r.

- s. (4) subject to regulation 15, the driver of a vehicle on a public road who intends to turn to the right shall, before reaching the point at which he intends to turn, extend his right arm and hand sideways and fully horizontal to the road with the palm of the hand turned to the front.

t.

**u. Use of direction indicators in lieu of hand-signals.**

v.

- w. (5) (1) the driver of a vehicle which is fitted with direction indicators complying with the requirements of Part\*\* may, in lieu of giving the appropriate hand-signal, signal his intention to turn to the left or the right by operating the indicators on the left or right side, respectively, of the vehicle

- x. (2) the driver of a vehicle required to be fitted with direction indicators complying with the requirements of part \*\* shall, by means of those indicators, signal his intention to turn to the left or to the right.

y.

- z. (3) the driver of a tractor, or a combination of motor vehicles of which the drawing vehicle is a tractor, may, in lieu of giving the appropriate hand-signal, signal his intention to turn to the left or to the right by extending, on the left or right side, respectively, of the vehicle, a portable indicator which, in all other respects, complies with the requirements of regulation 15.

aa.

**bb. Signal as to stopping or reducing speed**

cc.

- dd. (6) (1) subject to paragraph (2), the driver of a vehicle on a public road who intends to stop, or to reduce speed suddenly, shall, before doing so, extend his right arm sideways from the shoulder with the forearm held in a vertical and upward position and the palm on the hand turned to the front.

- ee. (2) the driver of a vehicle fitted with a stop-light complying of regulation 15 may, by operation of the stop-light, signal his intention to stop, or to reduce speed suddenly.

ff.

**gg. Permissible hand-signal**

hh.

- ii. (7) (1) in addition to the signals specified in the regulation 15 of this part, the driver of a vehicle on a public road may give the signals referred to in paragraph (2) and (3).

- jj. (2) if he intends to slow down, he shall extend his right arm sideways with the palm of the hand downward, and move his right arm slowly up and down.

- kk. (3) if he desires to indicate to following traffic that it may overtake his vehicle on the right, he shall fully extend his right arm below the level of the shoulder with the palm on the hand turned forward, and move it backward from the shoulder.

ll.

**mm. Signal for use by Police Officers controlling traffic (fourth schedule)**

nn.

- oo. (8) (1) subject to this regulation, the signals to be used by a Police Officer (including a Traffic Officer) for the purpose of controlling traffic shall be as set out in the fourth schedule.

- pp. (2) nothing contained in this regulation shall prevent a police officer (including a traffic officer), in exercise of his powers under any law controlling traffic, of giving such other signals as he may deem appropriate.

- qq. (3) such Officer may, after giving to the driver of vehicle on public road a “stop” signal referred to in the fourth schedule lower the hand by which the signal was given, or use the hand for giving other signals.

- rr. (4) no driver to whom such a "stop" signal is given shall proceed until the officer signals him to do so.
- ss. (5) any person who contravenes this regulation shall be guilty of an offence and liable on conviction to the penalty provided in Regulation 36.

tt.

uu.

**vv. PART 6**

**ww. TRANSPORTATION OF DANGEROUS GOODS AND SUBSTANCES BY ROAD**

**xx. Definitions**

yy. **18.** For the purposes of this Chapter--

zz. "**competent authority**" means the competent authority listed in supplement 1 of the code of practice SABS 0229 "Packaging of dangerous goods for road and rail transportation in Swaziland";

aaa. "**consignor**" means the person who offers dangerous goods for transport in a vehicle referred to in regulation 315, and includes the manufacturer or his or her agent, duly appointed as such;

bbb. "**consignee**" means the person who accepts dangerous goods which have been transported in a vehicle referred to in regulation 315;

ccc. "**dangerous goods inspector**" means a person appointed as such under section 29(4) of the **Road Transportation Act**;

ddd. "**emergency action response system**" means a system designed to enable emergency crews arriving on the scene of an incident to determine, from coded placarding on the vehicle, or failing that, from the Tremcard or manifest, the identity of the cargo carried, the nature of the hazard presented and the emergency action to be taken to neutralize the danger, and is as prescribed in code of practice SABS 0232-1 "Transportation of dangerous goods - Emergency information systems", Part 1: "Emergency information system for road transportation" and code of practice SABS 0232-3 "Transportation of dangerous goods - Emergency information systems", Part 3: "Emergency action codes";

eee. "**exempt quantities**" means those quantities that are exempt in accordance with code of practice SABS 0232-1 "Transportation of Dangerous Goods - Emergency information systems";

fff. "**incident**" means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage of dangerous goods or risk thereof;

ggg. "**means of containment**" means a container or packaging, or any part of a means of transport, that is or may be used to contain dangerous goods;

hhh. "**multiload**" means more than one type or hazard class of dangerous goods or substances carried together;

iii. "**premises**" means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle;

jjj. "**qualified person**" means a person trained to perform any specific task, nominated by the operator, consignor or consignee under regulation 5; and

kkk. "**Tremcard**" means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

**III. Incorporation of standards**

mmm. **19. A** Standard specifications SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" and SABS 1518 "Transportation of dangerous goods - design requirements for road tankers", and codes of practice SABS 0228 "The identification and classification of dangerous substances and goods", SABS 0229 "Packaging of dangerous goods for road and rail transportation in South Africa", SABS 0230 "Transportation of dangerous goods - Inspection

requirements for road vehicles", SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles", SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: Emergency information system for road transportation" , SABS 0232-3 "Transportation of dangerous goods -Emergency information systems", Part 3: "Emergency action codes" and SABS 0233 "Intermediate bulk containers for dangerous substances" is incorporated into these regulations by notice published by the chief executive officer in the *Gazette*;

**nnn. Application**

- ooo. **20.** (1) Subject to subregulation (2), this Chapter applies to all vehicles registered in the Swaziland, wherever they may be, and to all vehicles other than those registered in the Swaziland, whenever they are within the Swaziland, in or on which dangerous goods are transported, and to such dangerous goods.
- ppp. (2) These regulations do not apply in respect of dangerous goods which are transported in quantities which do not exceed the exempt quantities.

**Transportation of dangerous goods prohibited**

**21.** Dangerous goods may not be transported unless in accordance with this Chapter: Provided that--

- a. dangerous goods which is required under this Chapter to be transported in a vehicle in respect of which standard specifications SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" or SABS 1518 "Transportation of dangerous goods - design requirements for road tankers", apply--
- i. may be transported in such a vehicle from the date of commencement of these regulations;
  - ii. shall be so transported in accordance with the said appropriate code of practice if the vehicle in which the said dangerous goods is being transported was registered on or after a date to be determined by the Minister by notice in the *Gazette*;
  - iii. shall be transported in accordance with the said appropriate standard specifications after a date to be determined by the Minister by notice in the *Gazette*;
- b. vehicles carrying dangerous goods in respect of which a placard is required to be fitted to such vehicle, may be fitted with, but shall after a date to be determined by the Minister by notice in the *Gazette* be fitted, with the appropriate placards prescribed in code of practice SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: Emergency information system for road transportation".

**Exemptions**

**22.** Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the *Gazette*, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of these regulations, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.

### **Driver to undergo training**

**23.** (1) For the purposes of this regulation the word "driver" means any person who drives or attempts to drive a vehicle carrying dangerous goods the gross vehicle mass of which exceeds 3 500 kilograms or a vehicle to which standard specification SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" or standard specification SABS 1518 "Transportation of dangerous goods - design requirements for road tankers", applies.

(2) Operators shall ensure that after a date to be determined by the Minister by notice in the *Gazette*, the drivers of the vehicles in his or her charge referred to in Section 103 a,b; undergo training at an approved and registered institution in the prescribed territories.

(3) Each approved institution shall submit a syllabus for the training of the drivers referred to in subregulation (1) to the Shareholders Committee for approval, 30 days before training commences at those institutions for a particular year.

(4) The syllabus for the training of drivers shall contain at least--

- a. the interpretation and implementation of the instructions on the Tremcard;
- b. theoretical and practical training relevant to the type of vehicle and class of dangerous goods to be assigned to the driver concerned;
- c. detailed instruction on the emergency action response system and procedures in place for the specific kind of dangerous goods to be transported by the driver concerned and practical training on the emergency action to be taken for the various incidents which may occur with regard to the dangerous goods concerned;
- d. duties of the driver before proceeding on a route concerning, amongst other things, the condition of the vehicle, the documents to be kept in the vehicle, instructions regarding the route to be taken, warning signs and warning devices to be displayed or stored in the vehicle, the correct type and number of fire extinguishers to be fitted to the vehicle and protective clothing to be used;
- e. behaviour expected of the driver on the route, amongst other things, planning of stops for deliveries or checking of the tyres and vehicle, and procedure to be followed in the event of stops, periods of driving allowed, action to be taken in the event of an incident occurring; and
- f. procedure to be followed by the driver on reaching his or her destination.

(5) An institution referred to in sub-regulation (2) shall issue drivers with a certificate for the successful completion of training.

### **Documents to be held by driver**

**24.** (1) The driver of a vehicle referred to in regulation 18 shall ensure that such Tremcards and manifests as are required in terms of this Chapter, and which pertain to the dangerous goods carried on such vehicle are held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.

(2) The driver of a vehicle referred to in regulation 18 shall produce on demand--

- a. a professional driving permit, if applicable;

- b. a document containing a clear indication of the route to be followed by the vehicle, planned in accordance with code of practice SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles"; and
- c. the documents referred to in sub-regulation (1),

whenever he or she is operating a vehicle referred to in regulation 18.

### **Duties of operator, driver, consignor and consignee**

- 25.** (1) A driver of dangerous goods vehicle shall follow the route plan which excludes towns and cities.
- (2) A dangerous goods vehicle and or any means of containment must not be left unattended on a public road.
- (3) A dangerous goods vehicle shall not be driven on residential roads.
- (4) No Driver or Owner transporting Dangerous Goods shall stop within the Town or City except:
- (a) at a permitted storage location;
  - (b) to load or unload;
  - (c) in compliance with a Police Officer, and Dangerous Goods Inspector or a traffic control device.
- (5) The duties of the operator, driver, consignor and consignee with regard to the transportation of dangerous goods by road shall be as prescribed in this Chapter.
- (6) The operator, consignor or consignee shall nominate a qualified person to perform such tasks with respect to the transportation of dangerous goods as are prescribed to be so performed in this Chapter.
- (7) Subject to the provisions of subregulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.

### **Dangerous goods to be compatible**

**26.** The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice SABS 0232-1 "Transportation of dangerous goods -Emergency information systems", Part 1: "Emergency information system for road transportation".

### **Authority for classification and certification of dangerous goods**

**27.** (1) If there is any doubt as to the appropriate classification of dangerous goods, such dangerous goods shall be classified by an approved classification authority in accordance with code of practice SABS 0228 "The identification and classification of dangerous substances and goods".

(2) Dangerous goods shall be presented by the consignor for transportation packed in packaging that has been approved by an approved test station and by the approved certification authority and marked in the

manner contemplated in code of practice SABS 0233 "Intermediate bulk containers for dangerous substances" and code of practice SABS 0229 "Packaging of dangerous goods for road and rail transportation in Swaziland".

### **Dangerous goods inspectors**

**28.** A certificate of appointment shall be issued to a dangerous goods inspector on his or her appointment under the Act which shall reflect the designation, the conditions under, the classes of dangerous goods in respect of which he or she has been appointed, and, with reference to any provision of regulation 324, the powers to be exercised by him or her.

### **Powers, duties and functions of dangerous goods inspectors**

**29.** (1) A dangerous goods inspector may stop and enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act--

- a. inspect or search the vehicle or premises, or examine, or extract, take and remove samples of, or direct an approved authority to examine, extract or remove, any substance referred to in subregulation (1), found in or upon such premises, or any packaging, receptacles, unit loads, bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used, or destined or intended for use, for, in or in connection with the transport of dangerous goods, or for, or in connection with any other operation or activity with or in connection with the transport of dangerous goods, or open or direct an approved authority to open any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such dangerous goods;
- b. detain a vehicle which is on reasonable grounds suspected of not complying with these regulations, for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation;
- c. demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;
- d. demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;
- e. weigh, count, measure, mark or seal, or direct an approved authority to weigh, count, measure, mark or seal, any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects or lock, secure, seal or close any door or opening giving access to it;
- f. examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects;
- g. demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge such book, statement or document, an explanation of any entry therein;
- h. inspect any operation or process carried out in or upon the vehicle or premises in connection with any activity referred to in paragraph (a);

- i. demand any information regarding the operation or process referred to in paragraph (h) from the operator or person in charge of the vehicle or premises or from any person carrying out or in charge of the carrying out of such operation or process;
- j. seize any substance, book, statement or document or other packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of this Act.

(2) If a dangerous goods inspector intends to exercise or perform any power, duty or function under these regulations in the presence of any persons affected thereby, he or she shall on demand exhibit the appointment certificate issued to him or her under regulation 323.

(3) Notwithstanding the provisions of this regulation, a dangerous goods inspector or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless--

- a. the operator was duly notified;
- b. such unloading, decanting or opening of packages is authorised by the local authority concerned; and
- c. a qualified person supervises the unloading, decanting or opening of packages.

## GENERAL

### **Towing of vehicles**

30. No person shall operate a vehicle on a public road towing another vehicle;

- (a) If the length of the tow rope, chain or tow-bar between the two vehicles exceeds three comma seven (3.7) metres;
- (b) If the towed vehicle is connected to the towing vehicle in such a manner that both vehicles are not under control;
- (c) unless the steering gear of the vehicle being towed is controlled by a person holding a code of driving licence authorizing him or her to drive the class of such vehicle, if the towed vehicle is fitted with steering gear contemplate in Section 66 : provided that the provisions of this paragraph shall not apply in the case where-
  - (i) The steerable wheels of the towed vehicle are being carried clear of the ground; or
  - (ii) The device connecting the towing vehicle to the towed vehicle is such that the steerable wheels of the towed vehicle are controlled by such device;
- (d) If the brakes of the towed vehicle do not comply with the provisions of Section 66, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or tow-bar;
- (e) at a speed in excess of 30 kilometres per hour, unless the towing vehicle is connected to the towed vehicle by means of a drawbar or tow-bar;
- (f) If the towed vehicle is conveying persons at a speed in excess of 30 kilometers per hour, unless the towed vehicle is a semi-trailer; or
- (g) If the towing vehicle is a motor cycle, motor tricycle, motor quadrucycle or pedal cycle.
- (h) If the D/T (permissible maximum drawing vehicle mass) of the towing vehicle is less than that of the vehicle being towed.
- (i) unless that particular vehicle being towed is equipped with sufficient lighting system that can adequately give direction to other road users.

Prohibition on use of communication device while driving

30. (1) No person shall drive a vehicle on a public road-

- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
- (b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used, to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated.

(2) subregulation (1) does not apply to the following persons while driving in execution of their duties:

- (a) The driver of a fire-fighting vehicle;
  - (b) The driver of a rescue vehicle or an ambulance;
  - (c) A traffic Officer and authorized Officers;
  - (d) A member of the Royal Swaziland Police Service and a member of a municipal Police service, both as defined in the Road Traffic Act 6/2007.
  - (e) A member of the Umbutfo Swaziland Defence Force;  
Provided that he or she drives the vehicle concerned with due regard to the safety of other road users.
- (1) the word "headgear" includes for the purpose of this regulation a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner the he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver.

#### **Inspector of licences or traffic officer entitled to free use of certain facilities**

31. Where an inspector of licences or traffic officer in the performance of his or her duties makes use of any testing or mass measuring facility provided by a registering authority, no payment shall be demanded for such use.

#### **Officer to use prescribed forms**

32. An inspector of licences or a traffic officer shall issue a receipt for the impoundment of a document in terms of section 104 (i) of the Act.  
Voidness of any document

33. Any official document or certificate issued contrary to the conditions of these act shall be null and void and any authorized officer or Traffic Officer may impound such illegal document.

### **PART 9**

#### **MISCELLANEOUS**

#### **Authorized officer entitled to free use of certain facilities**

34. Where an authorized officer in the performance of his or her duties makes use of any testing or mass measuring facility provided by a registering authority, no payment shall be demanded for such use.

#### **The road traffic abnormal loads and dimensions regulation**



1. Subject to section 103 (c,d) all vehicles using the public road classified as abnormal load or carrying abnormal load or indivisible load or awkward load shall shall:

- (a) Require an area permit
- (b) Require a route permit
- (c) A special awkward load permit

The Minister shall prescribed the fees on the Road Traffic (fines) Regulation Schedule.

### **Axle load limit and Overload Control Certificate**

A weighbridge centre shall issue an Axle load limit and Overload Control Certificate

Manner of issue of an overload control certificate

All motor vehicles directed to the control mass must be issued with an overload control certificate.

Overload control certificate shall:

- 1. State the actual load on the vehicle
- 2. State if vehicle is overloaded

### **Approved forms (second schedule)**

35. (1) Subject to section 104 of the Act, an appropriate approved form shall be used for the purposes indicated, and completed in accordance with the requirements of the act and of the form and the instructions, if any, contained in the form.

(2) a registrar shall make available, as properly required, copies of all approved forms.

### **Penalties**

36. 1) The maximum penalty for an offence under this regulation shall -

(a) for an offence committed under Local Authority regulations a fine of E 800.00 or imprisonment for six months or both; and

(b) for any other offence, a fine of E 800.00 or imprisonment for six months or both.

(2) for any admission of guilt as contemplated on the CP & E of 1938 section 312 or Road Traffic Act 2007 Section 103(za) or Section 104 j (4), as contained in the third schedule.

### **37) Apportionment of fines**

Subject to Section 123 of the Road Traffic Act 2007;

1) all fines imposed or bail money in respect of any offence in terms of this act Road Traffic Act 2007 shall be paid into the Consolidated Fund

2) a fine or bail money imposed in respect of any offence under any by-law made by a local authority in terms of Section 104 of the Road Traffic act 2007 shall be paid to that local authority.

### **38) Local Authority Advisory Traffic Control Board**

Subject to Section 104(h) of the Road Traffic Act 2007, the local authority shall appoint an Advisory Traffic Control Board of not less than three members to advise the local authority on all questions of traffic control

## **Repeal of Laws and Savings**

- 39). 1) Subject to the provisions of this bylaw regulation 104, the Road Traffic Act, 2007 Powers of a local Authority to make by-laws and all laws, which amended the Road Traffic Act Local Authority By Laws Regulations, 2007, are hereby repealed.
- (2) Subject to the provisions of this regulations, any proclamation, regulation, notice, order, prohibition, authority, provision of a law repealed by (1) shall, in so far as it is not inconsistent with any provisions of this regulations, be deemed to have been made, issued, imposed, granted, given, or taken under the corresponding or related provision (if any) of this regulations.