

1.1 REPUBLIC OF SOUTH AFRICA

1.1.1 Legal

1.1.1.1 *International Law*

The base rule in terms of international agreements in South Africa is that it does not become part of the South African law unless it has been approved by resolution (ratification) in both the National Assembly and the National Council of Provinces. [Section 231(1) of the Constitution of the Republic of South Africa]. Section 231(3) however provides the exception to the rule: “An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but must be tabled in the Assembly and the Council within a reasonable time”. Subsection (4) of section 231 of the Constitution further provides that self-executory agreements become law of South Africa, unless it contradicts the constitution. These provisions provides for a hybrid dualist/monist system.

The Vehicle Load Management (VLM) MOU and the Multilateral Cross Border Road Transport Agreement (MCBRTA) will fall under section 231(3), which provides for a quicker process. However, the processes indicated in both flowcharts below still need to be followed:

(Explanatory note: DIRCO means the Department of International Relations and Cooperation; and DOJ & CD means the Department of Justice and Constitutional Development)

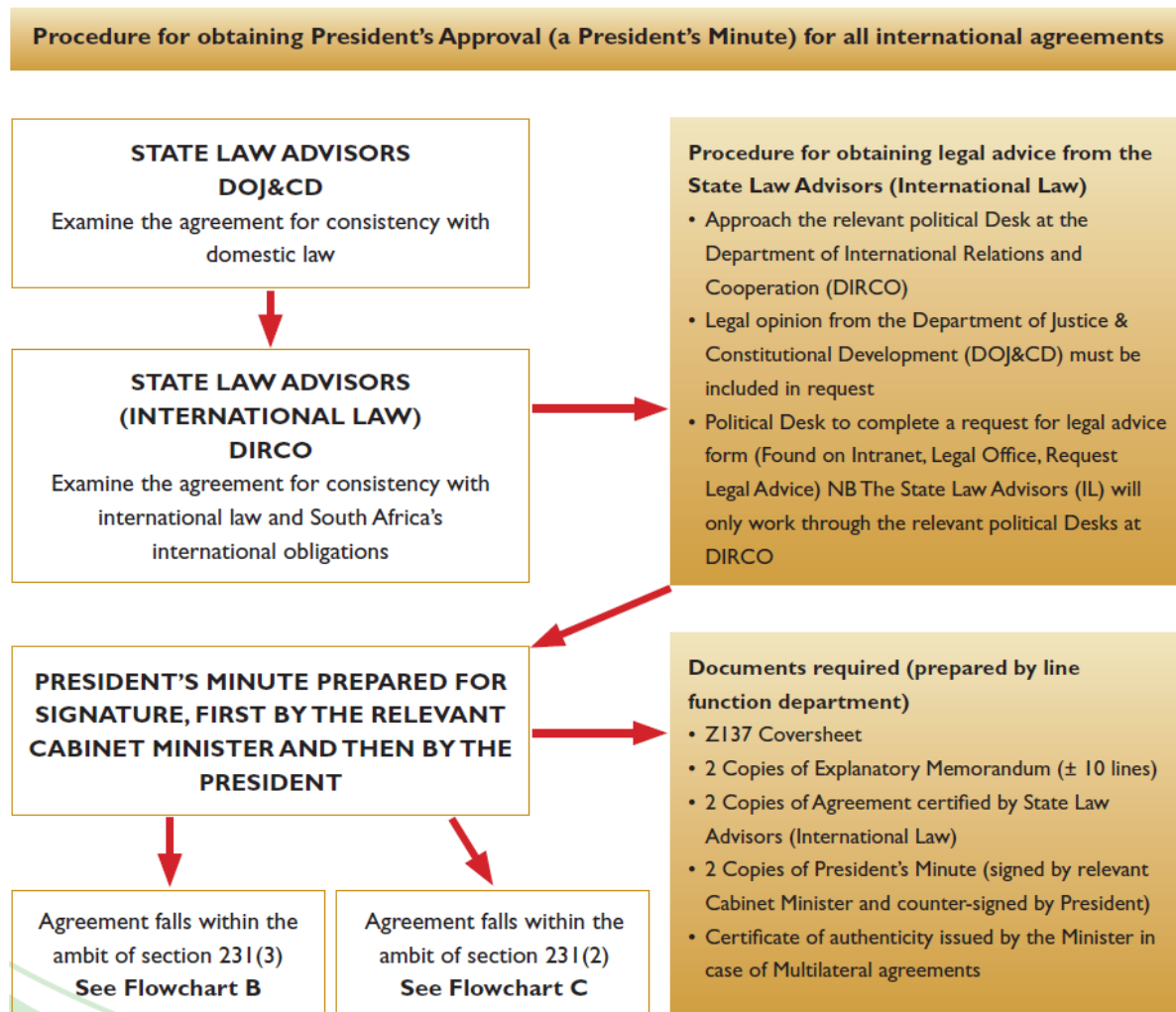


Figure 1: Procedure to Obtain the President's Approval for all International Agreements¹

If the agreement falls within the ambit of section 231(3), which the VLM MOU and the CBRTA do, the following final process is followed:

¹ Practical Guide and Procedures for Conclusion of Agreements, 3rd edition, Office of the State Law Advisor (International Law), South Africa.

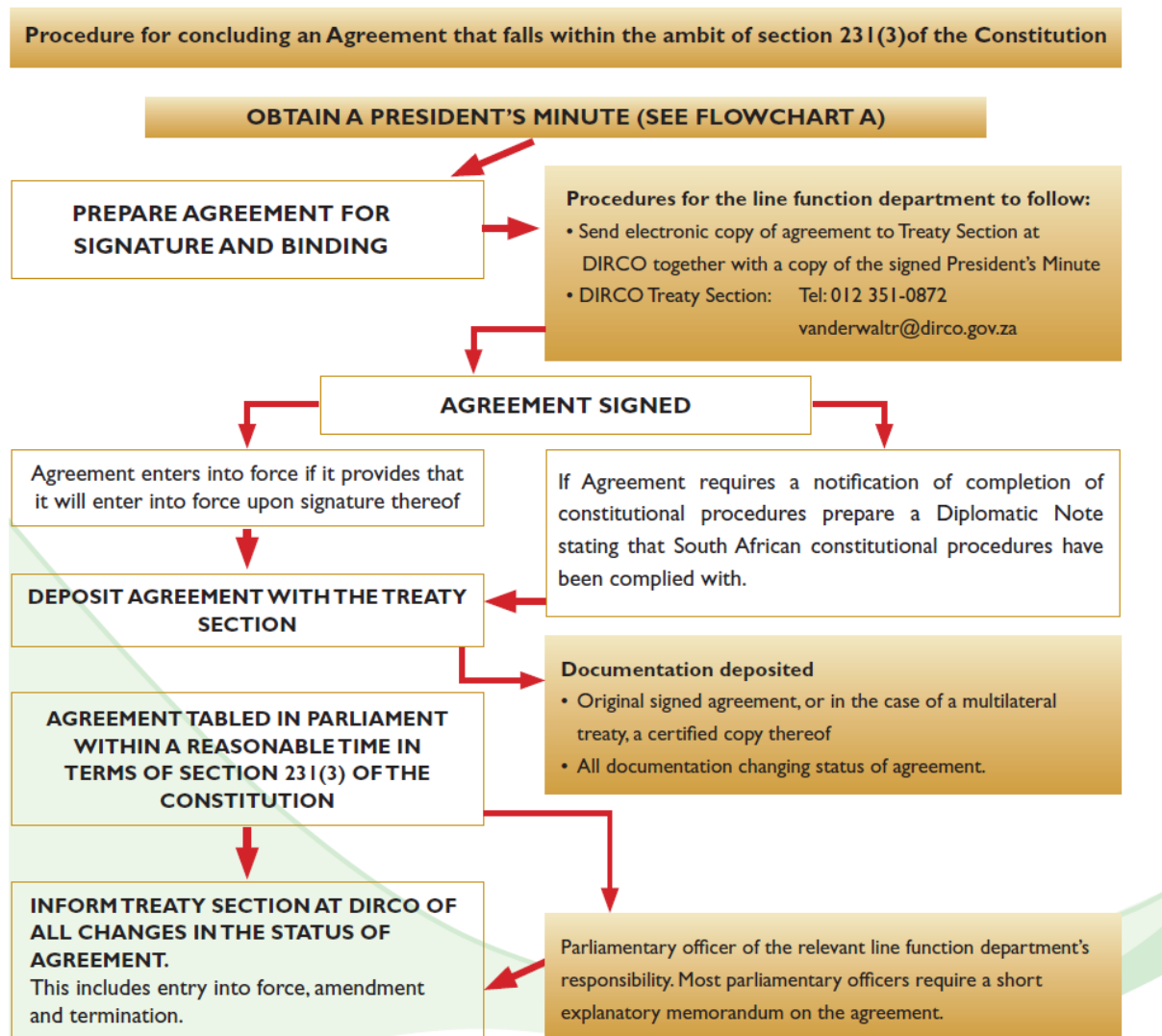


Figure 2: Procedure for Concluding a Section 231(3)-Type Agreement

1.1.1.2 Domestic Law

(a) Primary legislation

- The line ministry initiates policy research with regard to an issue identified (with the approval of the Minister);
- A policy document is drafted, and if a Bill is required, the Bill is usually drafted at the same time and attached as an Annexure to the Draft Policy Document;
- The Policy Document and Bill is submitted to the line minister for approval and for submission to Cabinet for in principle approval (submissions are to be accompanied by a ministerial memorandum and a cabinet memorandum setting out the consultation processes followed as well as a Social and Economic Impact Assessment);
- Following Cabinet approval, the Bill is submitted to the State law advisers for pre-certification, after which the Bill may be published for public comment;
- Comments received during the publication period are incorporated into the Bill;
- The Final Bill is submitted together with the Ministerial and Cabinet Memoranda and the final Social and Economic Impact Assessment, to the Ministers for submission to the Cabinet;

- Following approval, the Bill is again submitted to the State Law Advisers for final scrutiny for consistency with current law and constitutionality and certification;
- The Bill is tabled in Parliament.
- The Constitution distinguishes between four categories of Bills, namely—
 - section 74 Bills – Bills amending the Constitution;
 - section 75 Bills – ordinary Bills not affecting the provinces;
 - section 76 Bills – ordinary Bills affecting the provinces; and
 - section 77 Bills – money Bills (that is Bills that deal with appropriations, taxes, levies or duties).

Different processes are prescribed in relation to the above types of Bills.

- The first step, after a Bill has been introduced, is for the relevant Bill to be referred to the Joint Tagging Mechanism (“JTM”) for classification into one of the above categories. If a Bill does not clearly fit into one category, or if it fits into more than one category, it is usually redrafted or split into more than one Bill;
- The Bill is then referred to the relevant Portfolio Committee for consideration. If there is great public interest in a Bill, the Portfolio Committee may organise public hearings to allow interested parties to submit written comments and sometimes make oral representations on the provisions of the Bill. The members of the relevant Portfolio Committee are then tasked with considering and debating the Bill in order to determine whether they are satisfied with the provisions of the Bill. If the Portfolio Committee is not satisfied with the provisions of the Bill, the Bill is amended to reflect the version which the Portfolio Committee prefers. At the conclusion of its work the Portfolio Committee submits the Bill, together with a report, to the National Assembly for debate (called the second reading debate) and a vote. If the National Assembly passes the Bill, it is referred to the National Council of Provinces (NCOP) for its consideration;
- Once an ordinary Bill that **does not** affect the provinces has been passed by the National Assembly, it is referred to the NCOP. The Council must pass the Bill, with or without amendments proposed by the Council or reject the Bill. If the Council passes the Bill without proposed amendments, the Bill must be submitted to the President for assent. If the NCOP passes a Bill subject to proposed amendments or if the NCOP rejects a Bill, it goes back to the National Assembly. The National Assembly must then reconsider the Bill by taking any amendments proposed by the NCOP into account and may pass the Bill again (with or without the NCOP proposed amendments) or may decide not to proceed with the Bill. A Bill that has been passed by the National Assembly must then be submitted to the President for assent; and
- Once an ordinary Bill that **affects** the provinces has been passed by the National Assembly, it must be referred to the NCOP. The Council must pass the Bill with or without amendments or reject the Bill. A section 76 Bill must, if it was passed by the Council without any amendment, be submitted to the President for assent. If the Council passes an amended Bill it goes back to the National Assembly and if the National Assembly passes the amended Bill, it must then be submitted to the President for assent. If the Council rejects a Bill or if the National Assembly refuses to pass the NCOP amended version of the Bill, the matter must be referred to the Mediation Committee. If the Committee is unable to secure an agreement on a section 76 Bill introduced in the National Assembly within 30 days, the Bill may be passed by the National Assembly with a two-thirds majority. If the Committee is unable to secure an agreement on a Bill that was introduced in the NCOP the Bill lapses.

A Bill that amends the Constitution or a “money bill” is not discussed as the agreements to be entered into in terms of the Tripartite documents do not constitute either of these types of Bills.

- A Bill is referred to the President after it has passed through the National Assembly and NCOP. The Constitution requires that the President must assent to and sign a Bill. However, if the President has reservations about the constitutionality (whether the provisions of a Bill are in line with the Constitution or not) of a Bill, he or she may refer it back to the National Assembly for reconsideration. If the Bill affects the provinces, the NCOP must participate in the reconsideration of the relevant Bill. If a reconsidered Bill accommodates the President’s reservations, the President must assent to and sign the Bill. However, if a reconsidered Bill does not fully accommodate the President’s reservations, the President must either assent to and sign the Bill or refer it to the Constitutional Court for a decision on its constitutionality. If the Constitutional Court decides the Bill is constitutional, the President must sign it.
- A Bill that has been assented to and signed by the President becomes an Act of Parliament and must be published shortly thereafter in the Gazette. An Act takes effect (becomes binding on everyone) when it is published in the Gazette or on a date determined in terms of the Act.

(b) Subsidiary legislation

The process to promulgate subsidiary legislation is much shorter and less complicated than for primary legislation. Subsidiary legislation is legislation that are authorised by the delegation of the power to legislate by the Parliament (in a primary act) to a Minister.

- The line ministry compile draft regulations after consulting stakeholders;
- The draft regulations are submitted to the Minister, together with a ministerial memorandum, which sets out the consultation procedures, and the financial and human resources impact of the proposed regulations;
- If the Minister approves, the regulations are published for public comment and submit a copy to Parliament for comment;
- Comments received are incorporated into the draft regulations;
- A Socio-Economic Impact Assessment (SEIA) has to be undertaken regarding the proposed Regulations and before the Regulations coming into effect, the Department of Monitoring Evaluation should issue SEIA certificate;
- A final draft of the regulations is submitted to the Minister, accompanied by an updated ministerial memorandum; and
- If the Minister approves the draft regulations and signs it, it is published in the Government gazette and comes into force either on the date of publication or if the regulations so determine, on a date determined by the Minister by notice in the gazette. Commencement is usually postponed in the case of for example technical regulations incorporating standards for which an industry need time to prepare.

1.1.2 Institutional

National Department of Transport is responsible for transportation policy and planning regarding all modes and oversight over the public entities reporting to the Minister of Transport. The Department of Transport also has an International Relations Division that is responsible to assist the negotiation of international agreements.

Provincial Departments of Transport are responsible for policy, planning and oversight of provincial public entities, as well as legislation with regards to all modes of transport within their respective provinces and manage the road networks of the province.

Municipalities are responsible for transport planning and regulation of transport at a local level. Municipalities employ traffic officers or in the case where the municipality has a municipal police force, the traffic division of that force. Municipalities are also responsible for the management of their own road networks.

Cross Border Road Transport Agency (CBRTA) is responsible for the administration of the Cross Border Road transportation Act and issues permits in terms of the various bilateral and multilateral agreements on road transportation.

Road Traffic Infringement Agency (RTIA) is responsible to:

- administer a procedure to discourage the contravention of road traffic laws and to support the adjudication of infringements;
- enforce penalties imposed against persons contravening road traffic laws;
- provide specialised prosecution support services; and
- undertake community education and community awareness programmes in order to ensure that individuals understand their rights and options.

Road Traffic Management Corporation (RTMC) is a national public entity which is responsible for the coordination of road traffic management and law enforcement. The RTMC is the designated custodian of the National Traffic Information System (eNaTIS), which is used by all provincial administrations and local authorities to perform the functions of vehicle and driver administration and traffic law enforcement. The RTMC employs national traffic officers who are responsible for traffic law enforcement.

South African Bureau of Standards (SABS) is responsible for the adoption of standards, amongst others, in relation to motor vehicles, motor vehicle testing, testing stations, weighbridge facilities and the transport of dangerous goods.

South African National Roads Agency (SANRAL) is responsible for the construction and management of national roads.

1.1.3 Vehicle Load Management

South Africa has a VLM Strategy in relation to national roads.

1.1.3.1 Policy Reforms

Overload offences are being decriminalised, but this has not yet been implemented countrywide. The pilot project with regards to the administrative adjudication of road traffic offences have only been deployed in the Tshwane and Johannesburg municipal areas.

1.1.3.2 Harmonisation

- **Legal load limits:** The limits are in line with the tripartite load limits.
- **Legal definitions** in relation to vehicles and vehicle load management: The definitions are harmonised.
- **Demerit points and overload fees:** The Administrative Adjudication of Road Traffic Offences (AARTO) Act (Act 46 of 1998) is implemented in the Tshwane and Johannesburg municipal areas. Schedule 3 of the AARTO Regulations lists all of the infringements and offences, together with the

penalty amount and number of demerit points in respect of each of the listed infringements and offences. The demerit points will only be implemented once AARTO is rolled out country-wide.

The overload fees are not calculated exactly as proposed in the VLM MOU. However, overloaded vehicles are not detained at weighbridges until the fees have been paid. Once the excess load has been loaded onto another vehicle or the load has been corrected, the vehicle is reweighed and if found to be complying, the vehicle is allowed to continue its journey.

- **Electronic payment:** Electronic payment is allowed in relation to traffic offences for example at various grocery chain stores and on provincial and local authority websites. Payment is however not allowed at the weighbridges.

1.1.3.3 Regional VLM Requirements

The establishment of the Vehicle Load Management Working group at the Tripartite level is a function of the Tripartite, as well as the regional network of weighing stations, the regional performance audits, the regional weighbridge operations and procedures manual and the exchange of information. As these are functions of the Tripartite which need to be initiated by the Tripartite, South Africa's function in this regard is to ensure its participation in the regional programme

1.1.3.4 Weighbridge Certification, Verification and Maintenance

Weighbridges in South Africa are type-approved in terms of SANS 1838-1 "Electronic Self-Indication Vehicle Mass Measuring Equipment for use By Road Traffic Authorities- Part 1: Non Automatic Mass Measuring Equipment for Static Mass Measurement". Weighbridges are annually certified and verified in terms of SANS 10343:2003: "Verification of non-automatic electronic self-indicating road vehicle mass measuring equipment for use by road traffic authorities".

1.1.3.5 Performance-Based System

South Africa has implemented a Road Transport Management System in relation to some industries and operators.

1.1.3.6 Liability for Overload Offences

The driver and the operator are responsible for overloading. Prosecuting the operator in terms of the Criminal Procedure Act however, is rather cumbersome. Once the administrative adjudication of road traffic offences system is fully implemented, this will become easier.

1.1.3.7 Reciprocal Recognition

The National Road Traffic Regulations, 2000, provide for the reciprocal recognition of vehicle licensing, driving licences and roadworthy certificates, but not for weighbridge certificates. Extraterritorial powers for traffic officers are not allowed for South African officers or recognised in relation to officers from foreign countries. South Africa should adapt its legislation in this regard in accordance with the VLM MOU.

1.1.3.8 Tolerance

South Africa allows 5% tolerance on axles and 2% on the permissible vehicle combination mass.

1.1.3.9 Training

Traffic officers are subject to continuous training and the private companies contracted by SANRAL to operate the weighbridges undertake regular training courses and competency assessments of the staff to ensure that staff turnover does not impact on their capacity to provide the contracted service to SANRAL.

1.1.3.10 Transitional Provisions of the VLM MOU

South Africa should compare its legislation to the VLM MOU and can proceed to implement the provisions that are not yet implemented. It could consider the implementation of the adjudication system agreed by the Tripartite in relation to overload offences, leaving the Act on the Administrative Adjudication of Road Traffic Offences to apply to the remainder of road traffic offences. Such a decision will bring South Africa in line with the region.

1.1.3.11 Implementation Framework

South Africa should determine an implementation framework for the VLM MOU in accordance with the Tripartite Programme.

1.1.4 Baseline Requirements for Vehicle Standards

1.1.4.1 Equipment on Vehicles

South Africa made all the standards agreed by the Tripartite compulsory.

1.1.4.2 Vehicle Dimensions and Regulations

Maximum Length:

- Combination of vehicles: 22m
- Bus-train: 20m
- Articulated motor vehicle: 18.5m

Specific Provisions relating to Trailers:

- a trailer which is coupled to a drawing vehicle in such a manner that the trailer and the drawing vehicle cannot swivel in a horizontal plane at the coupling: 1.8m;
- a trailer with one axle or one axle unit, other than a semi-trailer-
 - with a GVM exceeding 12 000kg: 11.3m; or
 - with a GVM which not exceeding 12 000kg: 8m

Maximum Width of Vehicles:

- a bus of which the distance between the centre-lines of the tyres of the two front wheels exceeds one comma nine metre: 2.6m;
- a goods vehicle, with a GVM exceeding 12 000kg: 2.6m
- any other vehicle: 2.5m.

Maximum Height of Vehicles:

- a double-decker bus: 4.65m;
- a motor vehicle with a GVM exceeding 3 500kg: 4.3m
- a motor vehicle with a GVM not exceeding 3 500kg: 3m

1.1.4.3 Loads on Vehicles

South Africa's mass limits and the manner of determining the permissible mass of an axle, axle unit or a vehicle or combination of vehicles are the same as those agreed by the Tripartite. South Africa however, made a submission with regard to the 10 tonne allowed per single axle, opposing it and is expected to file a deviation in this respect. It was resolved that a committee comprising roads engineers will be established within the Tripartite to investigate the matter further.

1.1.4.4 Transportation of Dangerous Goods

South Africa made all the standards agreed by the Tripartite compulsory in 2000.

1.1.4.5 Testing of Vehicles for Roadworthiness

South Africa tests vehicles in accordance with SANS 10047: "The testing of motor vehicles for roadworthiness", which standard is the same as the SADCStans agreed on by the Tripartite.

All vehicles are primarily inspected for roadworthiness as a prerequisite for the first vehicle registration and in case of any change of ownership. Furthermore, the Road Transport Quality System (RTQS) requires annual vehicle fitness testing. The following vehicles are subject to the RTQS:

- goods vehicles with a GVM exceeding 3 500kg;
- passenger vehicles with:
 - seating capacity of 12 or more including the driver, or
 - less than 12 seats that are used for the conveyance of passengers for reward;
- busses are required to undergo fitness testing every 6 months.

Failure of the vehicle test results in the withholding of the Licence Disc & Roadworthy Certificate, as well as the Operator Card disc, both of which are to be displayed on the vehicle.

LCO(6)(2011/05)		LCO	
MOTOR VEHICLE LICENCE, LICENCE DISC AND ROADWORTHY CERTIFICATE AND OPERATOR CARD (National Road Traffic Act, 1996)		MOTORVOERTUIGLISENSIE, LISENSIESKYF EN PADWAARDIGHEIDCERTIFKAAT EN OPERATEURSKAART (Nasionale Padveerkswet, 1996)	
#1\$		#CA#	
#1\$			
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#1\$			
#1\$\$\$\$			
#1\$			
#1\$			
Vehicle register number	#c\$\$\$\$\$	Voertuigregisternommer	
Licence number	#c\$\$\$\$\$	Lisensienommer	
Vehicle identification number (VIN)	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Voertuigidentifikasienommer (VIN)	
Engine number	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Enjinnummer	
Make	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Fabrikaat	
Series name	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Reeksnaam	
Vehicle category	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Voertuigkategorie	
Driven	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Aandrywing	
Vehicle description	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Voertuigbeskrywing	
Tare (T): kg/Roadworthy Expiry Date	#1\$\$ / #c\$\$\$\$\$	Tarra (T): kg/Padwaardigheidsvervaldatum	
National	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Nasionale	
Vehicle Classification (NVC)	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Voertuigklassifikasie (NVK)	
Registering authority	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Registrasie-owerheid	
Control number	#c\$\$\$\$\$	Beheernommer	
Date of expiry	#c\$\$\$\$\$	Vervaldatum	
RECEIPT		KWITANSIE	
Receipt number	#c\$\$\$\$\$	Kwitansienommer	
Transaction	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Transaksie	
Debt paid	#c\$\$\$\$\$	Skuld betaal	
Fee paid	#c\$\$\$\$\$	Foel betaal	
Transaction fee paid	#c\$\$\$\$\$	Transaksie foel betaal	
Total amount paid	#c\$\$\$\$\$	Totale bedrag betaal	
Date	#c\$\$\$\$\$	Datum	
Received by	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Ontvang deur	
Method of payment	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Metode van betaling	
Number	#c\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	Nommer	

LISENSIESKYF EN PADWAARDIGHEIDCERTIFKAAT
RSA

NO. #c\$\$\$\$\$\$\$\$\$ NR.

Lisensie no. #c\$\$\$\$\$ Vt. registreer no. c\$\$\$\$\$

VIN #c\$\$\$\$\$\$\$\$\$\$\$\$\$ Fees/Gedeeltes #1\$\$

Engine no./Enjinno. OVKat/VM #1\$\$ kg

#c\$\$\$\$\$\$\$\$\$\$\$\$\$ Tare/Tarra #1\$\$ kg

Make #c\$\$\$\$\$\$\$\$\$\$\$\$\$ Fabrikaat

Description #c\$\$\$\$\$\$\$\$\$\$\$\$\$ Beskrywing

#cB#

Vt. vervaldatum #c\$\$\$\$\$ Piv. vervaldatum

Periode #1\$\$ Seisoen #1\$\$ Skandium #1\$\$

Periode #1\$\$ Seisoen #1\$\$ Skandium #1\$\$

Date of expiry/vervaldatum #c\$\$\$\$\$

#c\$\$\$\$\$

#IU#

1. Cut out both discs and affix to the inside of the windscreen or disc holder.

2. Retain the licence/receipt in a safe place.

1. Knip beide skyfies uit en bevestig aan die binnekant van die windskeerm of skyfhouer.

2. Bewaar die lisensie/kwitansie op 'n veilige plek.

OPERATEURSKAART
RSA

NO. #c\$\$\$\$\$\$\$\$\$ NR.

Reg. auto/Reg. owerh.

Lisensie no. #c\$\$\$\$\$ Vt. registreer no. c\$\$\$\$\$

NVC QWSADRTIANSDFERINSAWWEREIONINS NVK

VIN #c\$\$\$\$\$\$\$\$\$\$\$\$\$ OVKat/VM #1\$\$ kg

Make #c\$\$\$\$\$\$\$\$\$\$\$\$\$ Fabrikaat

Enjin #c\$\$\$\$\$\$\$\$\$\$\$\$\$ Enjin

Category #1\$\$

Identity no. #2\$ / #c\$\$\$\$\$

Address #c\$\$\$\$\$\$\$\$\$\$\$\$\$

Address #c\$\$\$\$\$\$\$\$\$\$\$\$\$

Address #c\$\$\$\$\$\$\$\$\$\$\$\$\$

Address #c\$\$\$\$\$\$\$\$\$\$\$\$\$

Date of expiry/vervaldatum #c\$\$\$\$\$

#c\$\$\$\$\$

#rD\$\$\$\$\$\$\$\$\$\$\$\$\$

Figure 3: Licence Disc and Roadworthy Certificate, together with Operator Card for RTQS Vehicle

- A grade C examiner is authorised to examine and test a motor vehicle of any class except for a motor-cycler or motor tricycle; and
- A grade D examiner is authorised to examine and test a motor vehicle of any class except motorcycle, motor tricycle, goods vehicle or bus, the gross vehicle mass of which exceeds 3 500 kilograms

Each testing station and examiner is issued with an infrastructure number on the eNaTIS that is linked to his/her grading and in order to register the examiner to a specific testing station.

A number of private test stations have been evaluated by the inspectorate and following their compliance have been graded and registered to conduct vehicle testing. All of the testing stations in South Africa use test equipment amongst others the following to perform the testing:

- Brake tester
- Wheel alignment tester / Scuff gauge
- Headlamp beam tester
- Hydraulic jack
- Hand tools, toolbox and carry bag that includes the following:
 - Kingpin & Fifth wheel gauges
 - Tyre depth gauge

All registered testing stations record the test results of any vehicle tested directly on eNaTIS and no roadworthiness certificates are issued at the testing stations. The number of tests that can be performed per day in accordance with the SANS 10047 is monitored and controlled by eNaTIS. The roadworthy certification is issued by eNaTIS simultaneously with the licensing performed by the vehicle owner (see Figure 3 and Figure 4). Should a vehicle not have been certified roadworthy at a testing station prior to the application for licensing, only the clearance certificate will be printed without the licence disc (see Figure 5).

Code	Description	Authorisation
A	A motorcycle with an engine cylinder capacity exceeding 125 cubic centimetre.	Codes A and A1
B	<p>A motor vehicle, being:</p> <ul style="list-style-type: none"> ■ a motor car, the tare of which does not exceed 3 500 kg; or ■ a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg; <p>without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kg, but excluding an articulated motor vehicle.</p>	Code B, a tractor or other motor vehicle being mobile agricultural or industrial equipment or machinery not designed principally for the conveyance of persons or goods, with or without a trailer.
EB	<p>A motor vehicle, excluding a tractor, being-</p> <ul style="list-style-type: none"> ■ an articulated motor vehicle, of which the gross combination mass of the truck-tractor does not exceed 3 500 kg; ■ a combination of- <ul style="list-style-type: none"> ○ a motor car the tare of which does not exceed 3 500 kg; or ○ a minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kg, <p>with a trailer, the gross vehicle mass of which exceeds 750 kilograms, i.e. small luggage trailers.</p>	Codes B and EB
C1	<p>A motor vehicle, being -</p> <ul style="list-style-type: none"> ■ a motor car, the tare of which exceeds 3 500 kg but not 16 000 kg; ■ a minibus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kg but not 16 000 kg, <p>without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kg, but excluding an articulated motor vehicle.</p>	Codes B and C1
C	A motor vehicle, being a bus or a goods vehicle, the gross vehicle mass of which exceeds 16 000 kg without a trailer, or with a trailer the gross vehicle mass of which does not exceed 750 kg, but excluding an articulated motor vehicle.	Codes B, C and C1
EC1	<p>A motor vehicle, excluding a tractor, being-</p> <ul style="list-style-type: none"> ■ an articulated motor vehicle, of which the gross combination mass of the truck-tractor exceeds 3 500 kg but not 16 000 kg; ■ a combination of a motor vehicle and trailer, the gross vehicle mass of the trailer of which exceeds 750 kg, but the gross combination mass of the drawing vehicle of which does not exceed 16 000 kg. 	Codes B, C1, EB and EC1
EC	<p>A motor vehicle being -</p> <ul style="list-style-type: none"> ■ an articulated motor vehicle of which the gross combination mass of the truck-tractor exceeds 16 000 kg; ■ a combination of a bus or goods vehicle, the gross combination mass of which exceeds 16 000 kg, <p>with a trailer the gross vehicle mass which exceeds 750 kg.</p>	Codes B, C1, C, EB, EC1 and EC

It is noted that the SADC driving licence categories do not make provision for the passenger vehicle (bus) related categories D1 and D, as well as the corresponding categories D1E and DE for the combination of a passenger vehicle and trailer of which the GVM exceeds 750kg.

These categories will have to be provided for and the notation of the categories for combinations of vehicles, ie EB, EC1 and EC, would have to be changed to read BE, C1E and CE for consistency and international harmonisation in accordance with the Baseline Requirements.

1.1.5.2 Driving Licence Card and PrDP

The South African driving licence card is printed on paper and encapsulated in plastic sealed around the edges of the document as shown in Figure 6 below.



Figure 6: Driving Licence Card

The driving licence card complies with the SADC vehicle categories and format. Likewise the professional driving permit endorsement on the front of the card, the 5 year validity period of the driving licence and 2 year validity period of the PrDP, as well as the driving licence category pictograms and legend on the back of the card comply with the SADC Agreement. However, the following is noted to be non-compliant with the Baseline Requirements:

- The photograph should be displayed on the left hand side of the card.
- 2D barcode could not be scanned to verify it's compliance as the entire contents have been encrypted. It should be noted that in terms of the Baseline Requirements, the barcode may include a digital signature to enable authentication, but the entire contents should not be encrypted in order to allow all regional authorities to scan the 2D barcode and retrieve the driver details and licence authorisation(s) at all times (in the absence of the key to the digital signature).

1.1.5.3 Training and Testing of Drivers and Professional Drivers

Both driving schools and driving instructors are required to apply for registration in South Africa. The instructor's application is submitted to a driving licence testing centre, accompanied by a police report with regard to any criminal convictions against the applicant and a medical certificate. The instructor is also tested by the testing centre before being issued with a certificate of registration.

It is not a requirement that an applicant for a learner licence or a driving licence must have been trained and issued with a certificate by a driving school. Nevertheless, there are numerous driving schools actively involved in driver training and a substantial number of applicants make use of driving schools, if not for the entire training then for a limited number of lessons in the role of a "finishing school" before the test is performed.

Since all testing takes place in accordance with the K53 testing procedure and manuals for each category of vehicle, the training is performed in accordance with the K53 to prepare applicants to be successful in the K53 test. There is a heavy motor vehicle, light motor vehicle, motor cycle as well as a light vehicle combination test.



Figure 7: K53 learning material, e-books and mobile applications are commercially available

Similar to vehicle testing stations, driving licence testing centres and examiners of driving licences are also grade, registered and issued an infrastructure number. The Minister of Transport has appointed an inspectorate of driving licence testing centres who make a recommendation regarding the grading in terms of the following categories:

- grade A driving licence testing centre, is authorised to examine and test a person for a learner’s licence of any code or driving licence of any code;
- grade B driving licence testing centre, shall be authorised to examine and test a person for a learner’s licence of any code or driving licence of the codes B, EB, C1, C, EC1 and EC;
- grade C driving licence testing centre, shall be authorised to examine and test a person for a learner’s licence of any code or driving licence of the codes A1, A and B;
- grade D driving licence testing centre, shall be authorised to examine and test a person for a learner’s licence of any code or driving licence of the code B;
- grade E driving licence testing centre, is authorised to examine and test a person for a learner’s licence of any code; or
- grade F driving licence testing centre, shall be authorised to substitute a driving licence of any code contained in an identity document before the driving licence card and the SADC licence codes were implemented on 1 March 1998.

Since the theory test for most of the driving licence categories are the same, South Africa consolidated the learner's licence categories to only the following 3 types:

Learner's Licence Code	Motor Vehicle Classes
Code 1	Motor cycle with or without side-car, or motor tricycle
Code 2	Motor vehicle, other than a motor cycle, or tricycle, the tare of which does not exceed 3 500 kilograms, a minibus, midibus, bus or goods vehicle the gross vehicle mass of which does not exceed 3 500 kilograms, an articulated motor vehicle or combination of a motor vehicle and trailer of which the gross combination mass of the truck-tractor, haulage tractor or drawing vehicle does not exceed 3 500 kilograms, or a tractor

Learner's Licence Code	Motor Vehicle Classes
Code 3	Any motor vehicle or combination of motor vehicles other than a motor cycle, or tricycle.

The learner's licence test is performed as a manual or a computerised test at the test centres that have been equipped with computers, both of which comprises multiple choice questions. Successful candidates who have also passed the automated vision test linked to the eNaTIS are issued with a learner's licence (see Figure 8) printed from the system, which is valid for 24 months.

LL2(8)(2005/11)		LL2
LEARNER'S LICENCE (National Road Traffic Act, 1996)		LEERLINGLISENSIE (Nasionale Padwet, 1996)
PARTICULARS OF LICENCE HOLDER		BESONDERHEDE VAN LISENSIEHOUER
Photograph and personal particulars to be imprinted Foto en persoonlike besonderhede moet geïmprinteer word	#\$#	Type of identification Soort identifikasie
	#\$\$\$\$\$\$\$\$#	Identification number Identifikasienommer
	#\$#	Country of issue Land van uitreiking
	#\$#	Initials and Surname Voorletters en Van
	#\$\$\$\$\$\$\$\$#	Date of birth Geboortedatum
Address where notices must be served	#\$# #\$# #\$# #\$# #\$#	Adres waar kennisgewings beteken moet word
Signature of licence holder	#\$#	Handtekening van lisensiehouer
who is, subject to the provisions of Section 17 of the National Road Traffic Act, 1996 hereby authorised to drive the class(es) of motor vehicle(s) which correspond with the undermentioned code as contemplated in that Section, subject to the limitations mentioned hereunder.	wie, behoudens die bepalinge van Artikel 17 van die Nasionale Padwet, 1996 hierby gemagtig is om die klas(se) motorvoertuie (wat ooreenstem met die onderstaande kode soos beoog in daardie Artikel, te bestuur, onderworpe aan die beperkings hieronder genoem.	
PARTICULARS OF LEARNER'S LICENCE		BESONDERHEDE VAN LEERLINGLISENSIE
Code of learner's licence	#C\$#	Kode van leerlinglisensie
Code 1 authorises up to 125cm ³ if under the age of 18 years		Kode 1 magtig tot en met 125cm ³ indien onder die ouderdom van 18 jaar
Control number	#\$\$\$\$\$\$\$\$#	Beheernommer
Issue number	#C\$#	Uitreikingnummer

Figure 8: Learner's Licence

In view of the fact that no obligation is placed on the learner driver to enrol at a driving school, the following limitations are applicable when a learner driver engages in driving on a public road:

- The holder of a learner's licence shall, except where such licence relates to a motor vehicle having no seating accommodation for a passenger or to a motor cycle, when driving the vehicle concerned, be accompanied in or on that vehicle by, and be under the direct personal supervision of a person seated next to him or her, or immediately behind him or her, where such person cannot be seated next to him or her, and who is in possession of a licence, other than a learner's or similar licence, authorising him or her to drive that class of motor vehicle.
- A learner's licence in respect of a motor cycle shall not authorise the holder of it to drive a motor cycle on a public road while carrying another person.

- A learner’s licence shall not authorise the driving of a motor vehicle while carrying persons for reward, other than a person accompanying the holder of a learner’s licence.

An applicant for a driving licence is tested by the examiner in accordance with the applicable K53 test:

- in the case of a code B provisional driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 1 – Light Motor Vehicles” published by the Minister by notice in the Gazette;
- in the case of a code C1, C, EC1 or EC provisional driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 2 – Heavy Motor Vehicles”, published by the Minister by notice in the Gazette;
- in the case of a code A1 or A provisional driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 3 – Motor Cycles” published by the Minister by notice in the Gazette; and
- in the case of a code EB provisional driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle driver, Volume 4 – Light Motor Vehicles Combination” published by the Minister by notice in the Gazette.

Upon successfully completing the test, the biometrics of the applicant is recorded and the driving licence authorised on the eNaTIS. The driving licence card is produced at a central location and successful applicants are issued with a temporary driving licence (see Figure 9) to enable them to drive after passing the driving licence test while awaiting the production and return to the driving licence testing centre of the card.

<p style="text-align: center;">DECLARATION!</p> <p>I declare that the licence in respect of which the particulars are reflected alongside, (i) has not yet come into my possession*, (ii) was stolen/lost/defaced/destroyed*, that all particulars submitted to me are true and correct and I realise that a false declaration is punishable with a fine or one year imprisonment or both.</p> <p style="text-align: center;">VERKLARING!</p> <p>Ek verklaar dat die lisensie ten opsigte waarvan die besonderhede langs aan verskyn, (i) nog nie in my besit gekom het nie*, (ii) gesteel/verlore/geskend/vernietig* is, dat alle besonderhede wat deur my verskaf is waar en korrek is en ek besef dat 'n vals verklaaring strafbaar is met 'n boete of een jaar gevangenisstraf of beide.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; text-align: center;"> TEMPORARY DRIVING LICENCE/TRA DRIVING PERMIT <small>(National Road Traffic Act, 1996)</small> </td> <td style="width:50%; text-align: center;"> TYDELIKE BESTUURS-LIENSIE/TRA BESTUURSPERMIT <small>(Nasionale Padverkeerswet, 1996)</small> </td> </tr> <tr> <td colspan="2" style="text-align: center;"> PARTICULARS OF HOLDER </td> </tr> <tr> <td style="width:50%;"> Restrictions on driver (if any) </td> <td style="width:50%;"> #:\$# Bepoerings op bestuurder (indien enige) </td> </tr> <tr> <td style="width:50%;"> Photograph affixed and laminated with security tape to cover personal particulars Foto aangeheg en gelamineer met sekuriteits-klieflikt om persoonlike besonderhede te bedek </td> <td style="width:50%;"> Type of identification/Soort identifikasie Identification number/Identifikasienommer Country of issue/Land van uitreiking Initials and surname/Inisialies en van Date of issue/Datum van uitreiking Driving licence testing centre/Bestuurslisensietoetsentrum </td> </tr> <tr> <td style="width:50%; text-align: center;"> Driving licence(s) </td> <td style="width:50%; text-align: center;"> Bestuurslisensie(s) </td> </tr> <tr> <td style="width:50%;"> Code/Kode #:\$# #:\$# #:\$# </td> <td style="width:50%;"> Date/Datum #:\$# #:\$# #:\$# </td> </tr> <tr> <td style="width:50%;"> #:\$# </td> <td style="width:50%;"> #:\$# </td> </tr> <tr> <td style="width:50%;"> Category(ies) and expiry date of PrDP </td> <td style="width:50%;"> #:\$# and/en #:\$# Kategorie (ë) en vervaldatum van PrDP </td> </tr> <tr> <td colspan="2"> I confirm that I am conversant with the content of the declaration! </td> </tr> <tr> <td colspan="2" style="text-align: center;"> Signature of holder Valid for 6 MONTHS from date of issue </td> </tr> <tr> <td colspan="2" style="text-align: center;"> Handtekening van houër Geldig vir 6 MAANDE vanaf uitreikingdatum </td> </tr> <tr> <td colspan="2" style="text-align: center;"> RECEIPT </td> </tr> <tr> <td style="width:50%;"> Receipt number Total amount received Date Received by </td> <td style="width:50%;"> #:\$# #:\$# #:\$# #:\$# </td> </tr> <tr> <td colspan="2" style="text-align: center;"> KWITANSIE </td> </tr> <tr> <td style="width:50%;"> Receipt number Total amount received Date Received by </td> <td style="width:50%;"> Kwitansienommer Totale bedrag ontvang Datum Ontvang deur </td> </tr> <tr> <td style="width:50%;"> #ID# </td> <td style="width:50%;"> #D# </td> </tr> </table>	TEMPORARY DRIVING LICENCE/TRA DRIVING PERMIT <small>(National Road Traffic Act, 1996)</small>	TYDELIKE BESTUURS-LIENSIE/TRA BESTUURSPERMIT <small>(Nasionale Padverkeerswet, 1996)</small>	PARTICULARS OF HOLDER		Restrictions on driver (if any)	#:\$# Bepoerings op bestuurder (indien enige)	Photograph affixed and laminated with security tape to cover personal particulars Foto aangeheg en gelamineer met sekuriteits-klieflikt om persoonlike besonderhede te bedek	Type of identification/Soort identifikasie Identification number/Identifikasienommer Country of issue/Land van uitreiking Initials and surname/Inisialies en van Date of issue/Datum van uitreiking Driving licence testing centre/Bestuurslisensietoetsentrum	Driving licence(s)	Bestuurslisensie(s)	Code/Kode #:\$# #:\$# #:\$#	Date/Datum #:\$# #:\$# #:\$#	#:\$#	#:\$#	Category(ies) and expiry date of PrDP	#:\$# and/en #:\$# Kategorie (ë) en vervaldatum van PrDP	I confirm that I am conversant with the content of the declaration!		Signature of holder Valid for 6 MONTHS from date of issue		Handtekening van houër Geldig vir 6 MAANDE vanaf uitreikingdatum		RECEIPT		Receipt number Total amount received Date Received by	#:\$# #:\$# #:\$# #:\$#	KWITANSIE		Receipt number Total amount received Date Received by	Kwitansienommer Totale bedrag ontvang Datum Ontvang deur	#ID#	#D#
TEMPORARY DRIVING LICENCE/TRA DRIVING PERMIT <small>(National Road Traffic Act, 1996)</small>	TYDELIKE BESTUURS-LIENSIE/TRA BESTUURSPERMIT <small>(Nasionale Padverkeerswet, 1996)</small>																																
PARTICULARS OF HOLDER																																	
Restrictions on driver (if any)	#:\$# Bepoerings op bestuurder (indien enige)																																
Photograph affixed and laminated with security tape to cover personal particulars Foto aangeheg en gelamineer met sekuriteits-klieflikt om persoonlike besonderhede te bedek	Type of identification/Soort identifikasie Identification number/Identifikasienommer Country of issue/Land van uitreiking Initials and surname/Inisialies en van Date of issue/Datum van uitreiking Driving licence testing centre/Bestuurslisensietoetsentrum																																
Driving licence(s)	Bestuurslisensie(s)																																
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KWITANSIE																																	
Receipt number Total amount received Date Received by	Kwitansienommer Totale bedrag ontvang Datum Ontvang deur																																
#ID#	#D#																																

Figure 9: Temporary Driving Licence

A PrDP is required by a driver of the following vehicles:

- goods vehicles with a GVM exceeding 3 500kg;
- passenger vehicles with:
 - with a GVM exceeding 3 500kg,
 - seating capacity of 12 or more including the driver, or
 - less than 12 seats that are used for the conveyance of passengers for reward.

An applicant for a PrDP has to comply with the following before applying to a driving licence testing centre:

- application for a category "P" and "D" professional driving permit, the applicant is of the age of 21 years and 25 years, respectively
- medical certificate confirming medical fitness
- has not been found guilty or paid admission of guilt fine in respect of driving under the influence, reckless driving or an offence in which violence was an element in the case of an application for "P" or "D" permit
- driving licence or PrDP has not been suspended or cancelled previously
- obtained a certificate from an approved training body not more than 6 months earlier in the case of an application for a "D" permit

The driving licence testing centre will verify all the requirements and request a report from the police with regard to any criminal convictions against the applicant, before recording the biometrics of the applicant and proceeding to authorise the issuing of the PrDP to the applicant. A new driving licence card is ordered for the applicant on which the endorsement of the PrDP issued to the applicant will be displayed. Should the applicant wish to drive in accordance with the PrDP while awaiting the production of the new card, a temporary driving licence can be applied for which will also display the PrDP endorsement (see Figure 9).

1.1.6 Baseline Requirements for Compliance and Law Enforcement

1.1.6.1 Road Transport Management System (RTMS)

A number of Road Transport Management Systems have been implemented, notably in the sugar cane and forestry transport industry.

1.1.6.2 Enforcement Procedures for Foreign Operators and Drivers

Enforcement procedures with regard to foreign operators do not differ from those for local operators.

1.1.7 Exchange of Information

1.1.7.1 Systems

eNaTIS

The RTMC is responsible for the eNaTIS with its registers of:

- Vehicles
 - Manufacturers, builders and importers
 - Vehicle testing
- Operators
- Drivers
 - Driver testing
- Contraventions
 - Administrative adjudication
 - Demerit points
- Infrastructure
 - Traffic officers
 - Vehicle examiners
 - Examiners of driving licences
 - Vehicle test stations
 - Driving licence testing centres

The eNaTIS user community includes the following authorities:

- National and Provincial Departments of Transport
- Registering authorities at provincial and local authority levels
- Traffic law enforcement authorities at national, provincial and local authority levels
- Vehicle test stations, both public and private
- Driving licence testing centres
- South African Police Service, vehicle theft units, Interpol and other crime prevention/investigation
- RTIA for management of the Administrative Adjudication of Road Traffic Offences (AARTO)

The RTMC has established a national MPLS (Multi-Protocol Label Switching) based data network, in order for all offices and facilities to access the central computerised registers. The eNaTIS with an Oracle database (unlimited user licence) was implemented on a Unix platform at both the data centre and disaster recovery centre with real-time data replication and failover between the two sites. The data and disaster recovery centres are part of the MPLS network whilst also having direct network connections with failover.

CPF System

The central card production facility (CPF) system interfaces with the eNaTIS to receive, confirm and report on the status of driving licence card production orders.

LCMS

Various Local Contravention Management Systems (LCMS) used by provincial and local traffic law enforcement authorities interface with eNaTIS in order to retrieve vehicle, vehicle owner, operator and driver information online from the registers in real-time using common standardised system-to-system interfaces. Likewise the weighbridge management systems retrieve similar information online in real-time when weighing a vehicle at a weighbridge and when processing an overload offence. In the jurisdictions

where AARTO has been implemented, the Local Contravention Management Systems upload details of contraventions to the National Contraventions Register (NCR) on eNaTIS.

CBRTS

The Cross Border Road Transportation Permit System (CBRTS) runs on a Progress Database system and has only been deployed at the CBRTA's head office campus where it is accessible to all users via a local area network (LAN).

1.1.7.2 Registration of Vehicles

In terms of the South African legislation, manufacturers, importers and builders of vehicles (MIBs) are required to register to enable:

- identifying the source of legitimate motor vehicles;
- notifying new models manufactured, imported or build to the inspectorate of MIBs;
- the inspectorate to establish whether such models are compliant with the vehicle standards applicable in South Africa in order to impose a pre-registration roadworthiness test requirement in respect of such models if deemed necessary, and
- assigning a model number to a new model for purposes of registration of the vehicles.

The conditions for registration of MIBs amongst others include proof of registration for Value Added Tax (VAT) and in the case of importers, proof of customs registration by the South African Revenue Service (SARS). An applicant is also subject to an inspection by the inspectorate of MIBs with regard to the compliance of the applicant to the relevant legislation, standards, specifications and codes of practice applicable in respect of motor vehicles in force in South Africa, and the South African Police Service (SAPS) with regard to any prior convictions recorded against the applicant and the nature of such convictions.

Once a MIB has been registered, the MIBs maintaining a large volume of vehicle deliveries may be appointed as an agent of a registering authority with the responsibility to introduce its vehicles on the register of vehicles of eNaTIS, allowing the registering authority staff to proceed with the registration of the vehicle already on the system at the time when the buyer of the vehicle makes an application for the registration of the vehicle.

Vehicle registration is performed by various provincial and local authorities appointed as registering authorities. Similar to the practice followed by most of the SADC members, a single vehicle registration document is issued by eNaTIS in South Africa which records both the titleholder/owner and vehicle details. Should the vehicle be subject to a finance agreement, the titleholder registers the vehicle and retains the registration certificate whilst identifying the owner on the registration certificate to enable the owner to proceed with the licensing of the vehicle.

RC1(7)(2005:02)		RC1
CERTIFICATE OF REGISTRATION IN RESPECT OF MOTOR VEHICLE (National Road Traffic Act, 1996)		SERTIFIKAAT VAN REGISTRASIE TEN OPSIGTE VAN MOTORVOERTUIG (Nasionale Padvoerwet, 1996)
Registering authority	# \$	Registrasie-owerheid
Vehicle register number	# \$\$\$\$	Voertuigregisternommer
Vehicle identification number (VIN)	# \$\$\$\$\$\$\$\$\$\$\$\$\$	Voertuigidentifikasienommer (VIN)
Engine number	# \$\$\$\$\$\$\$\$\$\$\$\$\$	Enjinnummer
Make	# \$	Fabrikaat
Series name	# \$	Reeksnaam
Vehicle category	# \$	Voertuigkategorie
Driven	# \$	Aandrywing
Vehicle description	# \$	Voertuigbeskrywing
Tare (T) and gross vehicle mass (GVW): kg	# \$\$# & # \$\$\$	Tara (T) en bruto voertuigmassa (BVM): kg
Date of liability for first licensing (Not year model)	# \$\$\$\$\$	Datum van aanspreeklikheid vir eerste lisensiering (Nie jaarmodelnie)
Vehicle status	# \$	Voertuigstatus
TITLE HOLDER		TITELHOUER
Type of identification	# \$	Soort identifikasie
Identification number	# \$\$\$\$\$\$\$\$\$	Identifikasienommer
Country of issue	# \$	Land van uitreiking
Name	# \$	Naam
OWNER		EIGENAAR
Type of identification	# \$	Soort identifikasie
Identification number	# \$\$\$\$\$\$\$\$\$	Identifikasienommer
Country of issue	# \$	Land van uitreiking
Name	# \$	Naam
Nature of ownership	# \$	Aard van eiendomsreg
Control number	# \$\$\$\$\$\$\$\$\$	Beheernommer
Issue number	# \$\$\$	Uitreikingsnummer
Date of issue	# \$\$\$\$\$	Datum van uitreiking
Registering authority at which registered	# \$	Registrasie-owerheid waar geregistreer
RECEIPT		KWITANSIE
	# \$\$\$\$\$\$\$\$\$	Receipt number
#B#	# \$	Transaction
	# \$\$\$\$\$\$\$\$\$	Total amount received
Date	# \$\$\$\$\$	Datum
Received by	# \$	Ontvang deur
Method of payment	# \$	Metode van betaling
Number	# \$	Nommer
#IU\$#	#D\$ \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$	

Figure 10: Vehicle Registration Certificate

1.1.7.3 Licensing of Vehicles

The licensing of vehicles is performed by various provincial and local authorities appointed as registering authorities. In the case of a vehicle that has been registered for the first time, the licensing follows immediately and the licence number to be displayed on the number plate of the vehicle is assigned during licensing. eNaTIS administers 9 different licensing number schemes as implemented in accordance with provincial legislation by each of the 9 provinces in South Africa. These number schemes include standard numbers as well as personalised numbers for which an additional fee is charged.

The vehicle licence fees are based on the tare of the vehicle and are levied on an annual basis – see paragraph 1.1.4.5 for the licence receipt and licence disc to be displayed in the windshield of the vehicle. Annual licence renewal takes place at all registering authority offices, as well as a number of post offices in the large centres, all of which are performing the licence renewal and printing of the new licence receipt and licence disc online to the eNaTIS.

1.1.7.4 Abnormal Load Permits

Although all use the same system for the calculation of the applicable abnormal load fees, Abnormal Load Permits are currently issued by the individual Provincial Departments of Transport. The fees are based on the damage to the road and any incidental costs incurred to accommodate the abnormal load in traffic. The calculation of the cost is calculated with the use of a costing system.

It is not clear why the Provincial Department of Transport in the province at the origin of the route to be followed could not liaise with its counterparts and issue the permit for the entire route. Not only does it present a challenge to a domestic operator to have to apply to each province in South Africa individually, but is even bigger challenge for a cross border operator who has to apply in each of the countries which the route traverses and then to each of the provinces within South Africa too.

South Africa however is willing to offer any of its national agencies to facilitate the application for abnormal loads permits from the provincial authorities whose roads the operator will traverse.

1.1.7.5 Registration of Operators

In accordance with the Road Transport Quality System (RTQS) envisaged to introduce regulation on the basis of quality at the time of the liberalisation of the transport industry in South Africa, the eNaTIS makes provision for the registration of the owner of a RTQS vehicle (see paragraph 1.1.4.5 for definition) as the operator of the vehicle by default at the time of the licensing of the vehicle.

Should the owner have entered into an agreement with another operator with regard to the use of the vehicle, an application can be made for the registration of such operator in respect of the vehicle. In practice such arrangements are very rarely entered into. See Figure 3 paragraph 1.1.4.5 for the operator card printed together with the licence disc and roadworthy certificate of the vehicle.

Although an operator disc which identifies the responsible operator in respect of each vehicle is similar to that envisaged for the operator registration and grading process in the MCBRTA, the current process takes place by default and no inspection and vetting of the facilities and capacity of the operator to maintain the vehicle(s) is performed and hence this process is not compliant with the baseline requirements.

It is not required to have a domestic road transport permit for the conveyance of goods by South African operators that operate only within South Africa. The Provincial Departments of Transport are responsible for the issuing of domestic road transport permit for the conveyance of passengers, all of which are route based and require of the applicant to demonstrate that application aims to satisfy an existing demand. Consequently such applications are advertised for the information of existing permit holders and objections are considered by the Local Transportation Board before issuing a further permit.

Cross-border road transportation permits are issued extra territorially by the SADC members in accordance with the SADC Agreement entered into. The CBRTA is responsible for the administration of these permits which are issued from the CBRTS system. Although the route is not specified in the same level of detail than for the domestic passenger permits, the permits are origin and destination based and record major points along the route to be followed by the operator in providing the service, both for goods and passengers. An example of such permit is shown in Figure 11 below.

Republic of South Africa
 Republic of South Africa
 Cross-Border Road Transport Agency

Republiek van Suid-Afrika
 Republic of South Africa
 Cross-Border Road Transport Agency

Issued in terms of and subject to the provisions of the Cross-Border Road Transport Act, 1998 (Act 4 of 1998).

Issued without alterations or erasures.

PERMIT HOLDER PARTICULARS		PERMIT HOLDER PARTICULARS	
Permit number	919421/0	Permit number	919421/0
Reference Number	15475	Reference Number	15475
ID number	M997	ID number	M997
Income Tax Reference Number		Income Tax Reference Number	
Name	HERMIS TRANSPORT	Name	HERMIS TRANSPORT
Trade Name		Trade Name	
Address	17 CHAUSSELD LUBUMBASHI DRC 0600	Address	17 CHAUSSELD LUBUMBASHI DRC 0600
Association Name		Association Name	

VEHICLE PARTICULARS		VEHICLE PARTICULARS	
Registration number	1749AB5	Registration number	1749AB5
Gross vehicle mass	2000	Gross vehicle mass	2000
Chassis number	W1484770	Chassis number	W1484770
Passengers	2	Passengers	2
Type of vehicle	Mechanical Horse	Type of vehicle	Mechanical Horse

PERMIT PARTICULARS		PERMIT PARTICULARS	
Issue Date & Time	23/11/2012 09:11:31	Issue Date & Time	23/11/2012 09:11:31
Valid from	23/11/2012	Valid from	23/11/2012
Valid until	23/11/2013	Valid until	23/11/2013

This permit authorises and is restricted to the conveyance as set out in the following description

[Signature]
 for CEO
 Cross-Border Road Transport Agency

CB 0664703
 Page nr. 1

Route Description	Permit Number :	919421 / 0
Goods from points situated within the Republic of South Africa, through the RSA/Zimbabwe border at Beit Bridge border post, transit Zimbabwe, through the Mozambique/Zimbabwe border at Nyamapanda/Cochemane border post, transit through the border at Cassacatiza/Chanida, transit Zambia to the Zambia/Democratic Republic of Congo border at Kasumbalesa border post, en route to the Democratic Republic of Congo. No goods may be picked up or set down within Zimbabwe/Mozambique/Zambia.		
Goods emanating from Democratic Republic of Congo, from the Zambia/Democratic Republic of Congo border at Kasumbalesa border post, transit Zambia, through the border at Cassacatiza/Chanida, transit Mozambique, through the Mozambique/Zimbabwe border at Nyamapanda/Cochemane border post, transit Zimbabwe, through the RSA/Zimbabwe border at Beit Bridge border post, to points situated within the Republic of South Africa. No goods may be picked up or set down within Mozambique/Zimbabwe/Zambia.		
Goods from points situated within the Republic of South Africa, through the RSA/Botswana border at Ramatlalaba border post, transit Botswana, through the Botswana/Zimbabwe border at Plumtree/Ramokwebana border post, transit Zimbabwe en route to the Democratic Republic of Congo. No goods may be picked up or set down within Botswana and Zimbabwe.		
Goods emanating from Democratic Republic of Congo, transit Zimbabwe, through the Botswana/Zimbabwe border at Plumtree/Ramokwebana border post, transit Botswana, through the RSA/Botswana border at Ramatlalaba border post, to points situated within the Republic of South Africa.		
Goods from points situated within the Republic of South Africa, through the RSA/Botswana border at Skilpadnek/Pioneers Gate border post, transit Botswana, through the Botswana/Zambia border at Kazangula Ferry border post, transit Zambia, to the Zambia/Democratic Republic of Congo border at Kasumbalesa border post, en route to the Democratic Republic of Congo. No goods may be picked up or set down within Botswana/Zambia.		
Goods emanating from Democratic Republic of Congo, from the Zambia/Democratic Republic of Congo border at Kasumbalesa border post, transit Zambia, through the Botswana/Zambia border at Kazangula Ferry border post, transit Botswana, through the RSA/Botswana border at Skilpadnek/Pioneers Gate border post, to points situated within the Republic of South Africa. No goods may be picked up or set down within Botswana/Zambia.		
Goods from points situated within the Republic of South Africa, through the RSA/Botswana border at Groblersbrug/Martins Drift border post, transit Botswana, through the Botswana/Zambia border at Kazangula Ferry border post, transit Zambia, to the Zambia/Democratic Republic of Congo border at Kasumbalesa border post, en route to the Democratic Republic of Congo.		

[Signature]
 for CEO

Page nr 2

Figure 11: Cross-Border Permit with authentication digital signature in barcode – Operator and Vehicle details on the front (left) and Route Description on the back (right)

1.1.7.6 Offence and Accident Registers

In terms of the Administrative Adjudication of Road Traffic Offences (AARTO) Act (Act 46 of 1998) the RTIA is responsible only for the management of the National Contraventions Register (NCR) which was developed as a separate module on the eNaTIS.

The AARTO Act differentiates between not so serious traffic violations (termed infringements) and serious traffic violations (termed offences).

In the jurisdictions where AARTO has been implemented (City of Johannesburg and the City of Tshwane), AARTO 01 (handwritten at roadside), AARTO 02 (electronic at road side or weighbridges), AARTO 03 (camera captured) and AARTO 31 (unattended vehicle) infringement notices are issued for less serious traffic violations. These infringements are managed on an administrative basis. For more serious traffic violations AARTO 32 notices are issued informing traffic offenders that a summons to appear in court will be served on him/her.

In the remainder of the country traffic violations are still dealt with in terms of the Criminal Procedure Act until such time as the AARTO Act is rolled-out on a national basis, which is expected to take place during 2017.

Infringement notices in respect of vehicle related infringements (overloading and vehicle fitness issues such as tyres, lights, brakes, steering markings, etc) are issued to both the driver of the vehicle and the

operator. In the case of vehicle related offences summonses are also served on both the driver and the operator.

The traffic offences identified amongst others on speed and traffic light cameras are recorded and processed on the various LCMS used by the traffic law enforcement authorities at provincial and local authority level. If the driver was identified at the time of the offence (officers manning the speed camera stopped the vehicle), the infringement notice is issued and served on the driver. However, if the driver was not identified (in the case of an unmanned camera or traffic conditions did not allow stopping the vehicle), the infringement notice is addressed to the owner of the vehicle.

The LCMS interface with eNaTIS to retrieve the particulars of the vehicle using the licence number which the camera recorded from the number plate of the vehicle, together with the details of the owner. Once the particulars retrieved from eNaTIS has been reviewed in conjunction with the image of the transgressing vehicle for quality control purposes, the LCMS prepares the notice to be issued to the owner of the vehicle.

In the jurisdictions where AARTO has been implemented, the LCMS uploads the notice to the NCR for the AARTO process to be followed on the NCR. This process entails serving the infringement notices on the individual infringers in bulk as prescribed upon which the conclusion of the AARTO process is managed on the NCR by the RTIA. The AARTO process entails serving a Courtesy Letter on infringers who failed to respond at the due date (32 days after serving the infringement notice) affording them a further 32 days and final opportunity to respond, failing which an Enforcement Order is issued by the Registrar of the RTIA. The Enforcement Order concludes the infringement and allows the Registrar to record the corresponding demerit points against the record of the infringer and to initiate debt collection procedures to collect the initial penalty and additional administrative costs incurred for the Courtesy Letter and Enforcement Order from the infringer.

The points demerit system aims to identify habitual transgressors. Each driver and operator starts with a score of zero points. The designated points per infringement are recorded whenever an infringement has been concluded. The driving licence, professional driving permit or operator card of a habitual transgressor is suspended when more than 12 points are accumulated. The period of suspension equates to the number of points by which 12 is exceeded with each point in excess of 12 representing a period of 3 months. When more than 12 points are accumulated for the 3rd time the driving licence, professional driving permit or operator card is cancelled and the holder has to re-apply for such document after completing the cancellation period. Transgressors can rehabilitate themselves as the allocated demerit points reduce by 1 point after every 3 months if no violations are committed during this period.

In the jurisdictions where AARTO has not yet been implemented, the LCMS proceeds to manage the printing and mailing of offence notices, recording electronic payments made by offenders and automatically generate summonses to appear in court to offenders who failed to pay the fine amount by the due date. The LCMS also performs the court administration by recording summonses successfully served on the offenders, generating the court roll for the cases scheduled for each court day and recording the outcome of the proceedings in court. Should the offender fail to appear in court, the LCMS will also prepare and print the warrants of arrest for the magistrate to authorise before the execution thereof and administer these warrants until they are executed or withdrawn.

Schedule 3 of the AARTO Regulations contains a list of 1 891 traffic violations (inclusive of both infringements and offences), which amongst others include a total of 441 violations for overloading and 189 violations for exceeding the speed limit. The AARTO process is well structured in terms of the processes, fairness and sound road safety principles. The seriousness of each of the 1 891 traffic violations has been assessed in terms of the potential effect thereof on safety on the road and the penalty

amount as well as the number of penalty units applicable to each violation has been determined accordingly.

The large number of violations are easily supported by electronic systems in both the identification of the relevant violation and the administrative processing thereof. However, it has been found in practice that traffic officers issuing handwritten notices only issue notices in respect of a small number of violations.

The RTMC coordinates the recording of accidents nationally with the support of the Provincial Departments of Transport. Various Accident Management Systems are in use by the municipalities and provinces that capture accident data, but the current process allows for the accident data to be extracted from each of these systems and imported on the national accident register administered by the RTMC on the TRAFMAN System.

1.1.7.7 Summary

The *status quo* in respect of the computerised systems and registers currently operational in South Africa can be summarised as follows:

No	Register	Computerised System
1	Vehicles	The eNaTIS is used for vehicle registration and licensing. Both title holder (responsible for registration) and owner (responsible for licensing) are recorded.
2	Vehicle fitness	Vehicle fitness testing by public and private facilities is administered on eNaTIS but vehicle inspection process is performed using a manual check sheet on which the readings of the test equipment are recorded.
3	Drivers and professional drivers	The eNaTIS is used for learner, driver and professional driver licensing and the licences are computer generated. The road test is performed using a manual check sheet, but no hand-written documents are issued.
4	Driving Licence Codes	Neither the centrally produced driving licence card nor the SADC licence codes are compliant with the baseline requirements.
5	Driver Training	Driving schools and driving instructors are required to register. However, learner drivers are not obliged to enrol at a driving school.
6	Operators	Registration as operator in respect of each vehicle on eNaTIS by default. Cross Border Permits are issued by Cross-Border Road Transportation System (CBRTS). Have elements that are similar to MCBRTA operator registration and grading, but current processes of neither system are compliant with the baseline requirements.
7	Overloading	Weighbridge Management and Contravention System in use at identified regional weighbridges are modules of TRAFMAN System and no handwritten documents are issued. Includes computerised court administration functionality and uploading of infringements to the National Contravention Register (NCR) on eNaTIS.
8	Law Enforcement	Various Local Contravention Management Systems, which allow for recording of the individual notices issued by officers, automated issuing of speed notices from digital images received from speed cameras and administration of the court process are used by provincial and local law enforcement authorities. All interface with eNaTIS for vehicle and driver information exchange and uploading of infringements to the National Contravention Register (NCR).
9	Online Processing from all Offices	More than 450 registering authorities, public and private vehicle testing stations and driving licence testing centres are connected online to eNaTIS. Post offices performing vehicle licence renewal also have online access to eNaTIS.

No	Register	Computerised System
10	Online System Integration	Full integration of vehicle, driver, operator and offence registers on eNalTIS. Online interfaces with manufacturers (introduction of vehicles), police (vehicle theft), LCMS (offence processing) and banks (penalty payments).

1.1.8 Cross-Border Transportation

1.1.8.1 Corridor Management

The major trade corridors traversing South Africa are the following (see Figure 12):

- Manzini-Durban Corridor
- Maputo Corridor
- Maseru-Durban Corridor
- North South Corridor
- Trans-Kalahari Corridor
- Trans-Orange Corridor



Figure 12: Major trade corridors traversing South Africa

1.1.8.2 Cross-Border Permits & Customs Procedures

Since all foreign goods and passenger vehicles participating in cross border transportation are required to have permits in terms of SADC or bilateral agreements, no operator registration or "temporary importation permits" in respect of such vehicles are required by Customs Services of the South African Revenue Service (SARS).

The information in respect of foreign vehicles, drivers and operators will be accessible on TRIPS to national, provincial and municipal traffic law enforcement officers and SANRAL. It is therefore suggested that Customs Services may also access and verify particulars relating to foreign operators, vehicles and drivers (if the need arises) on TRIPS.

1.1.9 Regional Weighbridges

1.1.9.1 Location

The RWBLP was provided to the SANRAL officials for the purpose of future planning of the location of Weigh Stations in accordance with the methodology provided in the RWBLP. The RWBLP identified the following regional weighbridges on the following corridors:

- Manzini-Durban Corridor: Weighbridge at Richards Bay (new weighbridge at Eteza about to be commissioned) together with a virtual weigh station on an alternative route in the vicinity of Richards Bay to monitor evasion of the weighbridge – see Figure 13;
- Maputo Corridor: Weighbridge at Middelburg (possible upgrade) together with a virtual weigh station on an alternative route in the vicinity of Middelburg to monitor evasion of the weighbridge – see Figure 14;
- Maseru-Durban Corridor: Weighbridges at Harrismith (new) – see Figure 15;
- North South Corridor: Weighbridges at Westmead (to be upgraded or new facility to be constructed), Heidelberg (existing), Bapong (existing), Beitbridge (existing) – see Figure 16;
- Trans-Kalahari Corridor: Weighbridge at Bapong (existing) – see Figure 17;
- Trans-Orange Corridor: Weighbridges at Kroonstad (to be upgraded or new facility to be constructed) Upington (to be upgraded or new facility to be constructed) and Vanrhynsdorp (to be upgraded or new facility to be constructed) – see Figure 18.

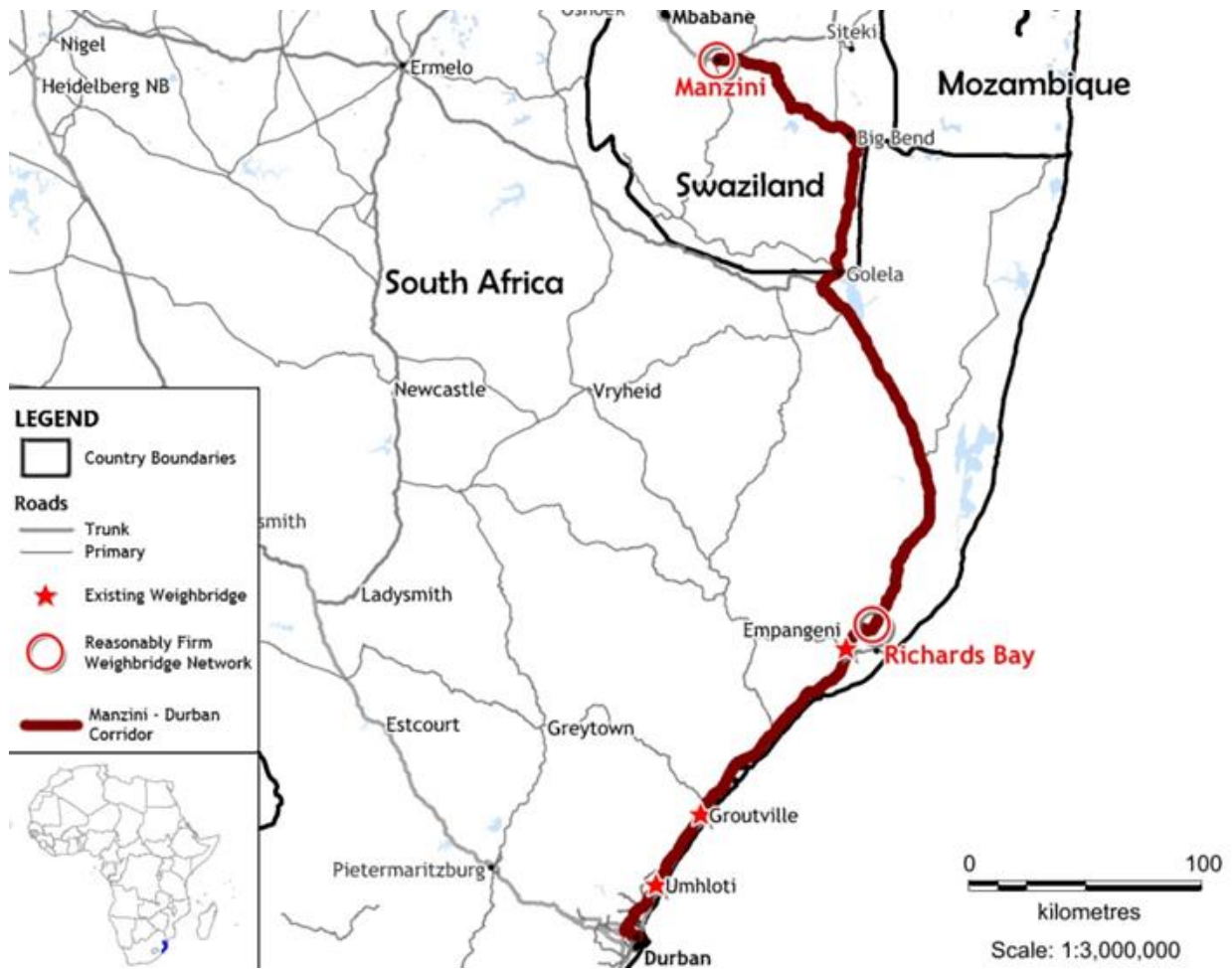


Figure 13: Proposed Reasonably Firm Weighbridge Network for the Manzini-Durban Corridor

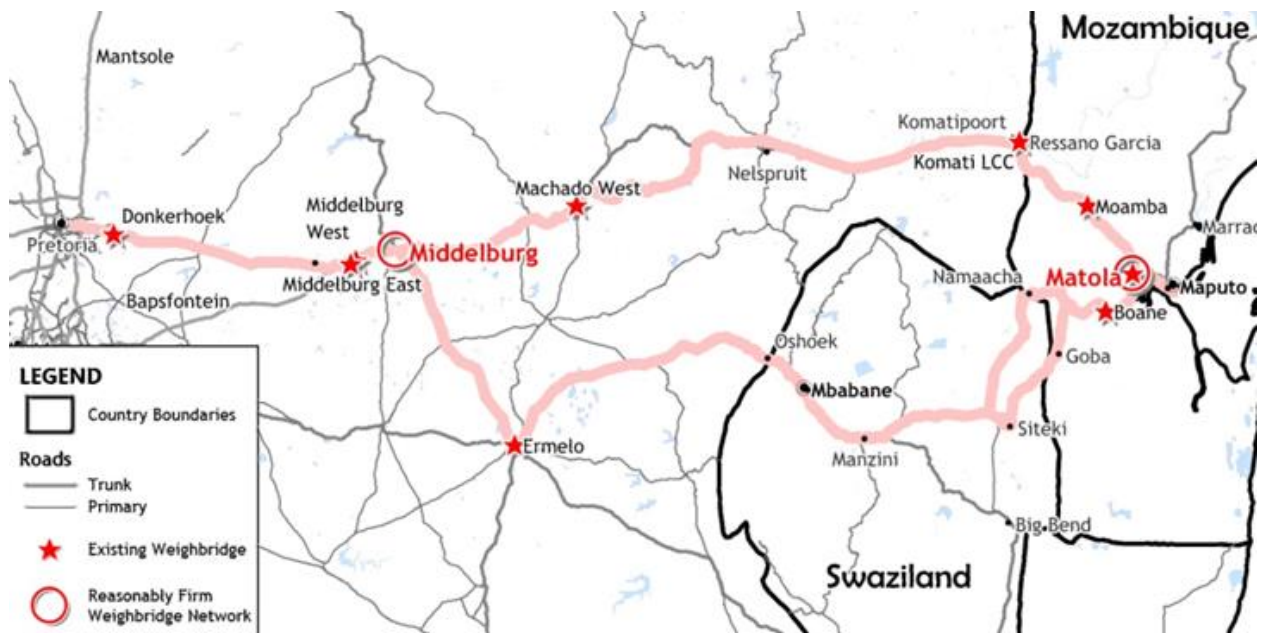


Figure 14: Proposed Reasonably Firm Weighbridge Network for the Maputo Corridor

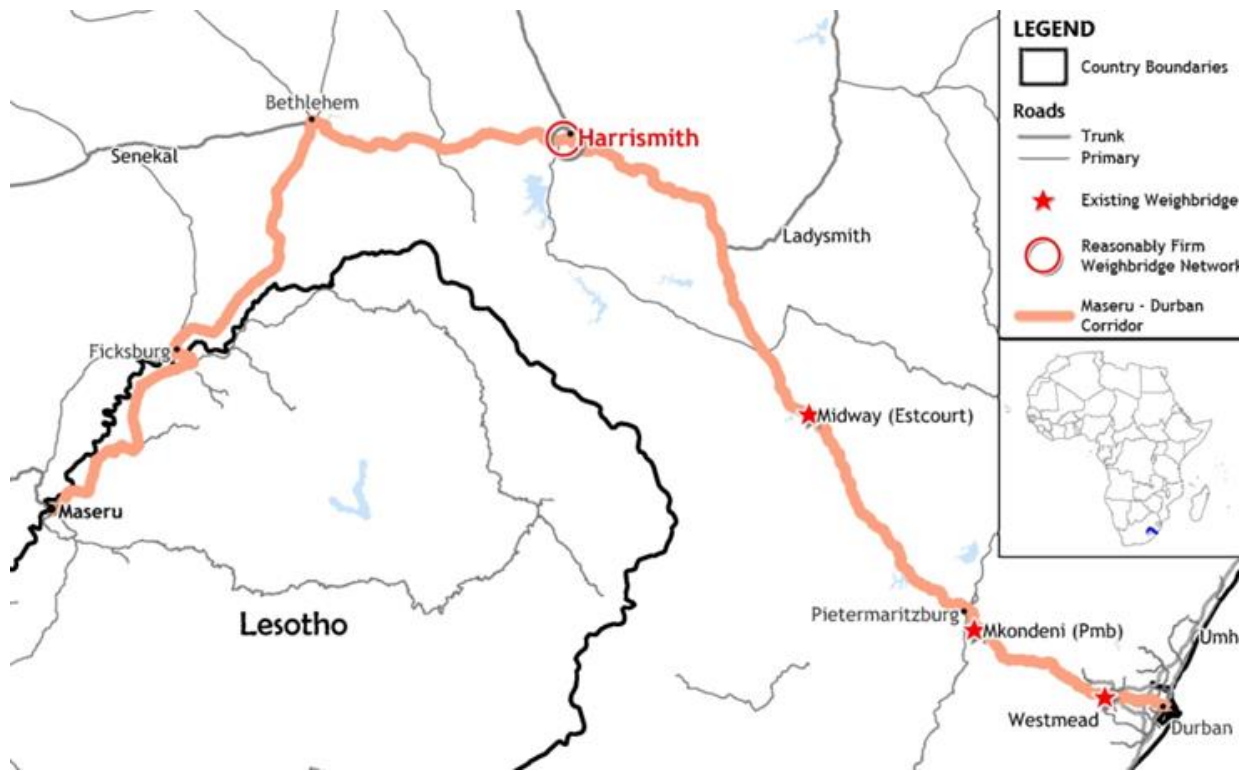


Figure 15: Proposed Reasonably Firm Weighbridge Network for the Maseru-Durban Corridor

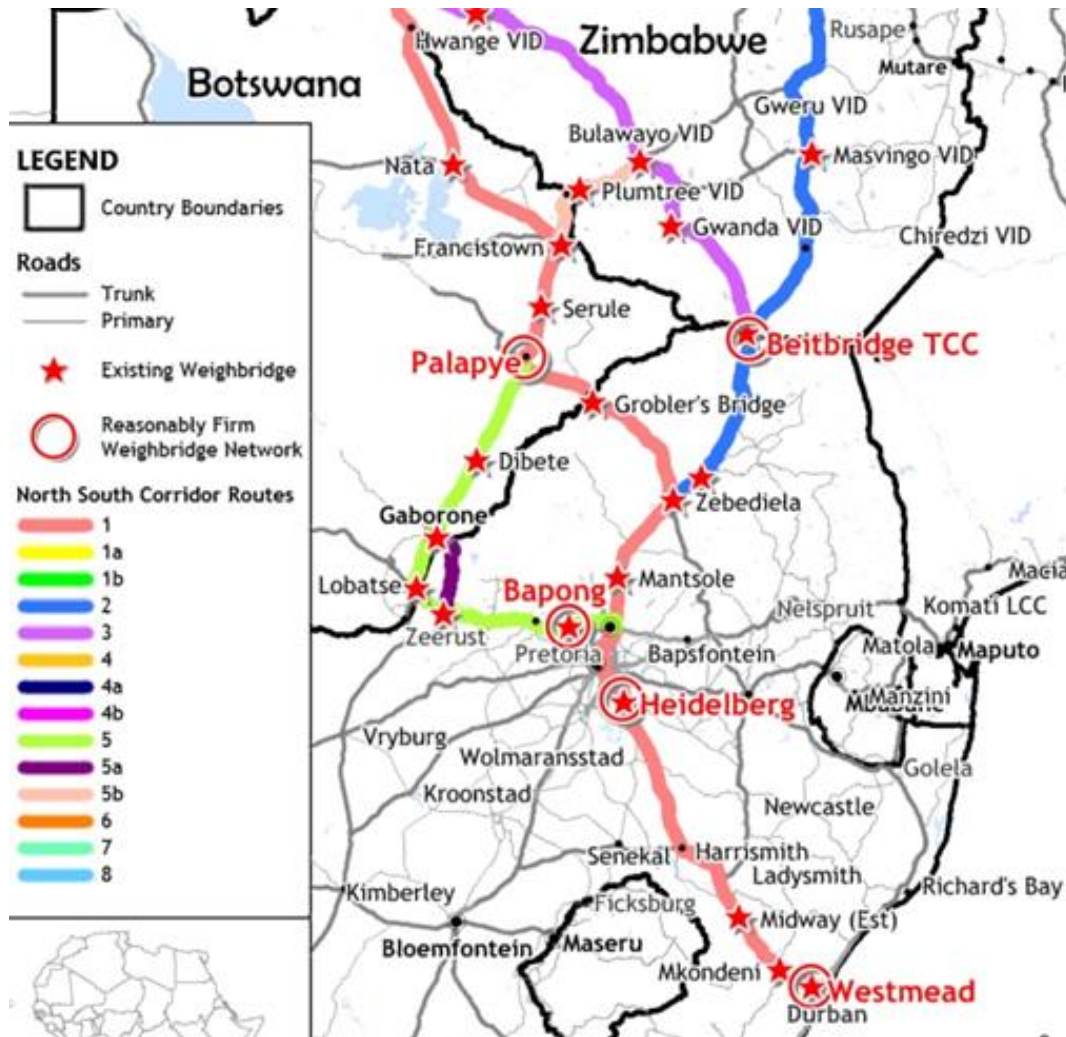


Figure 16: Proposed Reasonably Firm Weighbridge Network for the North South Corridor

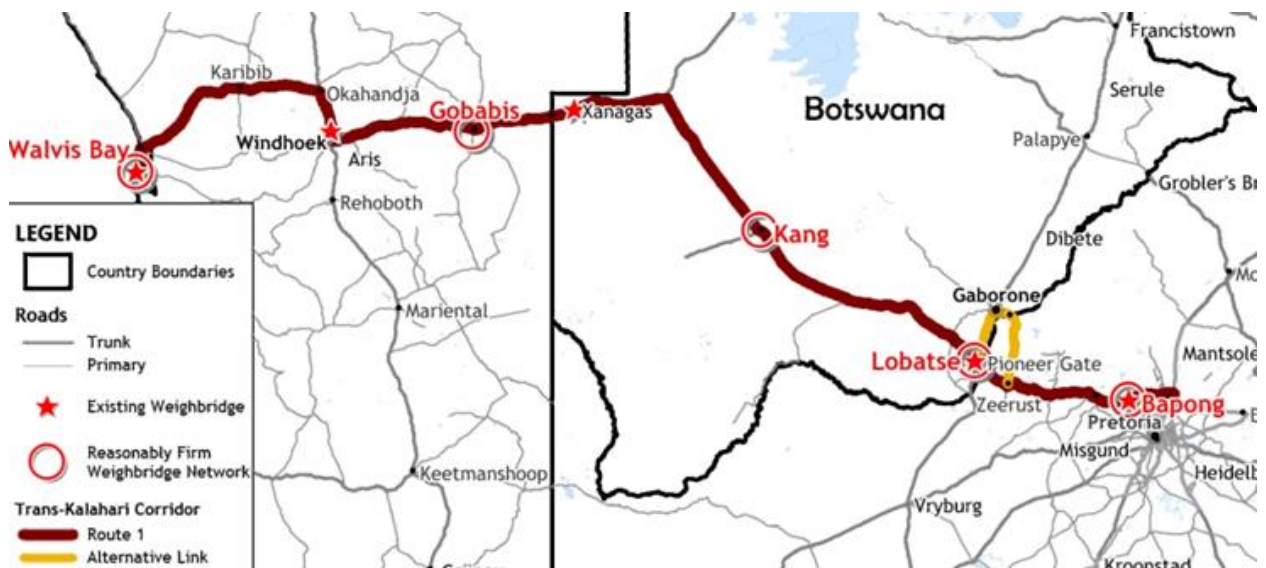


Figure 17: Proposed Reasonably Firm Weighbridge Network for the Trans-Kalahari Corridor

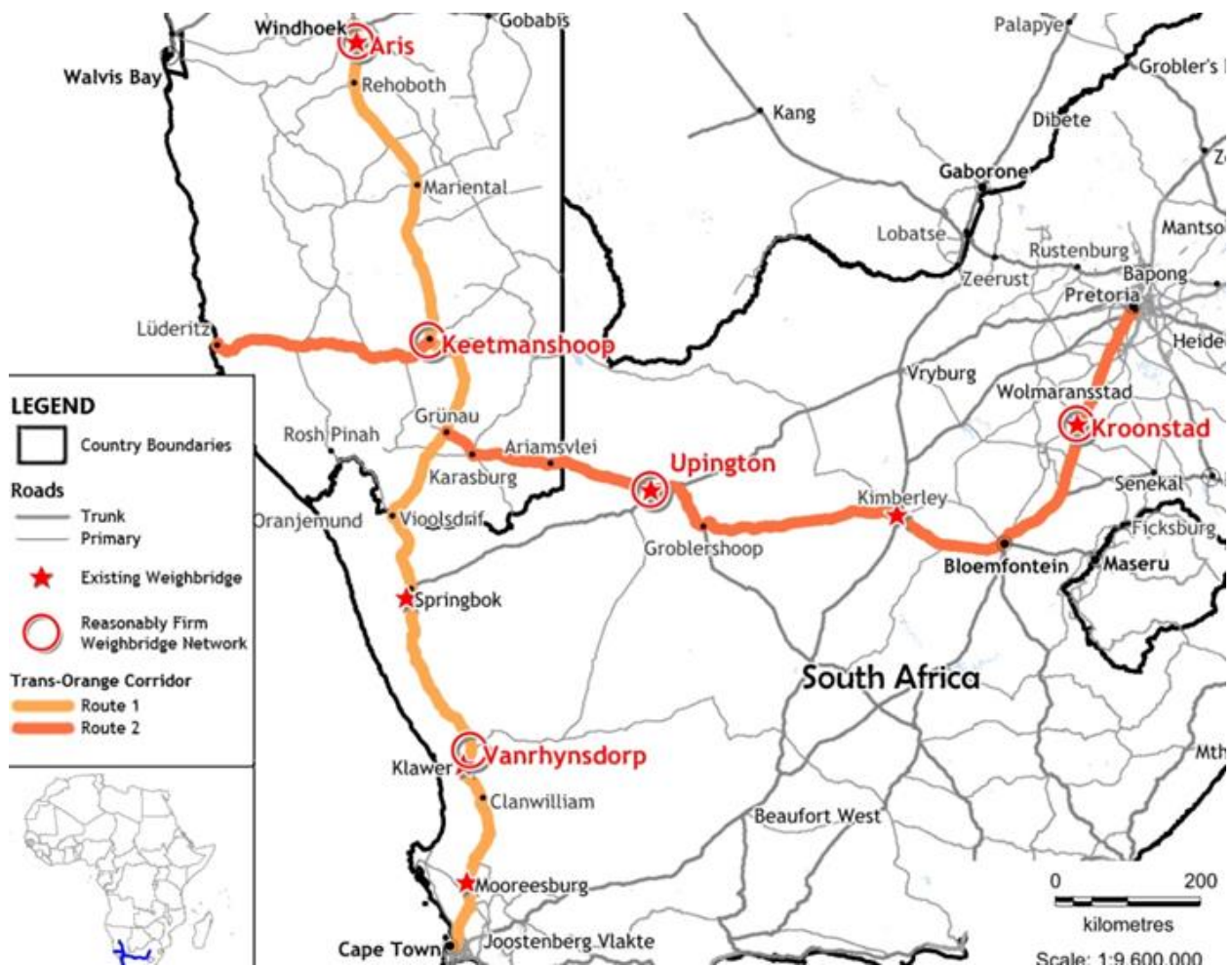


Figure 18: Proposed Reasonably Firm Weighbridge Network for the Trans-Orange Corridor

1.1.9.2 Design

Except for the new weigh station at Harrismith and the stations to be upgraded at Middelburg, Westmead, Kroonstad, Upington and Vanrhynsdorp, all the other regional weighbridges identified by the RWBLP in South Africa use the same traffic management system, i.e. the TRAFMAN system. The TRAFMAN system has the functionality as required for the RWBLP design requirements for integration of the booms, loggers, WIMs, cameras and traffic violation detectors. It will also enable interfacing to share the overload offence details with the other countries in the region by means of the TRIPS.

The RWBLP proposed the following configurations for the new or existing weighbridges to be upgraded:

- Type 1 Dual: Westmead – see Figure 19
- Large Type 2 Dual & Screening Lanes: Middelburg, Harrismith, Kroonstad – see Figure 20
- Small Type 2: Upington, Vanrhynsdorp – see Figure 21
- Virtual weigh stations: Richards Bay, Middelburg, Durban (x2), Pretoria (x2), Doornpoort/Pretoria (x2), Johannesburg (x2) – see Figure 21

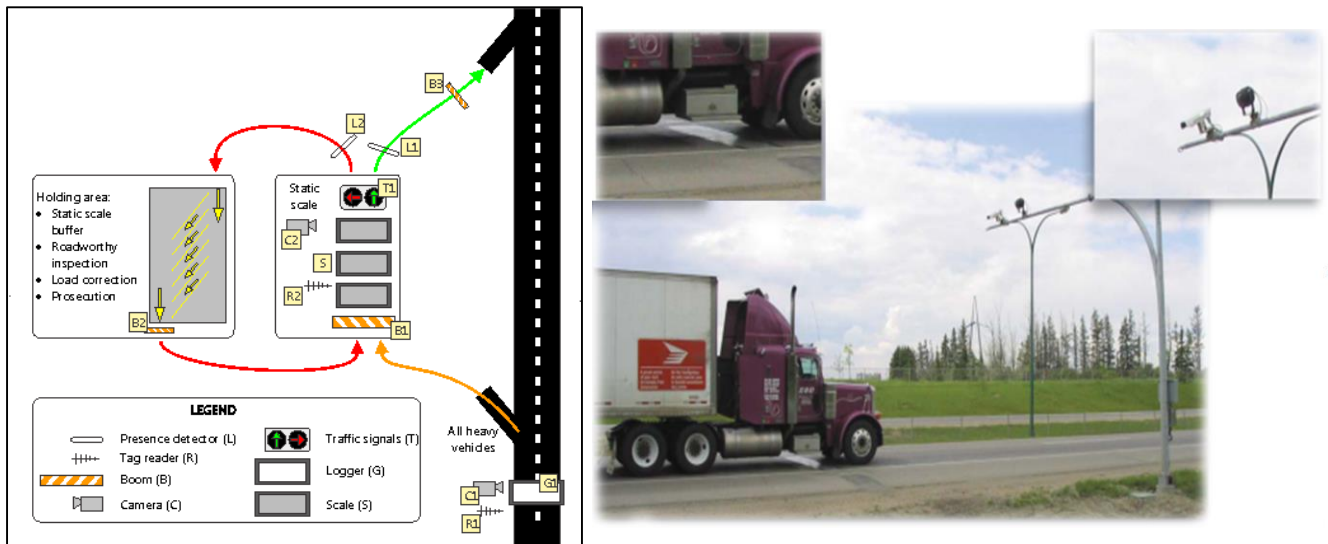


Figure 21: Small Type 2 Weigh Station (left) and Virtual Weigh Station (right)

South Africa should compare the RWBLP design standards relating to each type of the weigh stations proposed by the RWBLP to the *status quo* to determine the extent of the upgrades needed.

1.1.10 Third Party Motor Vehicle Insurance Schemes

1.1.10.1 Domestic

The Road Accident Fund provides for assistance and benefits to all people injured and dependants of those killed in road accident crashes in accordance with the Road Accident Fund Act 56 of 1996 which came into operation on 1 May 1997. It is funded by the fuel levy.

1.1.10.2 Cross Border

South Africa is not a party to the COMESA Yellow card Scheme. The Road Accident Fund fulfils this function in South Africa. It is a public entity providing third party insurance which is funded from the fuel levy.

South Africa believes that it will not be in a position to take part in the Yellow Card Scheme.

ANNEXURE A: LIST OF PARTICIPANTS

1 REPUBLIC OF SOUTH AFRICA

This report relates to the visit performed by the IT Expert from 5 to 6 May 2016. Interviews were held with the officials as indicated in the following table.

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