1.1 KINGDOM OF SWAZILAND

1.1.1 Legal

1.1.1.1 International Law

The Constitution in section 238 provides that unless an international agreement is self-executing, it will not become law in Swaziland unless enacted into law by Parliament. The Attorney General is mandated by section 77(5)(b) to draft and peruse treaties and agreements the government of Swaziland is party to.

1.1.1.2 Domestic Law

(a) Primary legislation

In Swaziland the supreme legislative authority vests in the King-in-Parliament. The King and parliament are empowered by the Constitution to make laws for the peace, order and good governance (section 106(a) & (b)). Section 106(a) clearly states that the supreme legislative authority of Swaziland rests in the King-in-parliament. These powers are exercised through bills passed by both chambers of parliament and assented to by the King under his hand (section 107).

Parliament can confer power on any authority to create binding laws. Currently parliament is a bicameral system consisting of both the house of Assembly and Senate. In terms of the Constitution, legislation brought through parliament has to be scrutinised by both houses of parliament before it goes for assent to the King (section 107). A bill shall not become law unless the King has assented to it and signed it in token of that assent (section 108). By virtue of section 77(5)(a), the Attorney General (AG) is charged with drafting and signing all bills presented before parliament. Subsection (6) empowers the AG to delegate these functions to any of his/her subordinate officers.

The Constitution further provides that the Attorney General shall cause a bill that has been duly passed and assented to in accordance with the constitution, to be published in the gazette as law as soon as practicable (section 109(i)).

The process of amending laws in Swaziland has to be done through introduction of the particular legislation in parliament by the ministry responsible, known as a ‘line ministry’. This is the ministry responsible for the administration of that particular Act.

(b) Subsidiary legislation

The authority to make subsidiary legislation lies with Parliament. This authority may be delegated, but it seems that it must still receive parliamentary approval.

1.1.2 Institutional

The Ministry of Public Works and Transport: is responsible to –

- plan, construct and maintain the country’s road network (Roads Department)
- plan, construct, maintain and administer Government buildings
- provide and maintain facilities for ensuring availability of adequate transport for all government ministries and departments
- administer the Road Transportation Act No:5 of 2007 and Road Traffic Acts (Road Transportation Department)
Other institutions that play a role in transportation management in Swaziland are:

- Ministry of Foreign Affairs – with regards to international agreements;
- Ministry of Justice and Constitutional Affairs – with regards to prosecutions and the promulgation of legislation;
- Ministry of Commerce, Industries and Trade – with regards to customs;
- Ministry of Finance – with regards to funding;
- Ministry of Economic Planning and Development – with regards to transport planning. The Head of the Transport Planning Division in the Ministry of Public Works and Transport had been seconded to the Ministry of Economic Planning and Development.
- Swaziland Revenue Authority – with regards to collecting fees; and
- Swaziland Standards Authority – with regards to the adoption of standards in relation to motor vehicles, motor vehicle testing and the transport of dangerous goods.

Policy: Swaziland has a Transport Master Plan dated 2013 and is in the process of implementing it. Swaziland also has a strategy towards the implementation of the Tripartite Agreements – the regulatory committee Ministry of Public Works and Transport is reviewing the national legislation in accordance with the Tripartite documents.

1.1.3 Vehicle Load Management

The vehicle load management strategy must still be implemented. Construction of the weighbridge at Matsapha is completed and it only needs to be calibrated. Other weighbridge locations are yet to be identified as part of the weighbridge location plan which is still to be developed.

1.1.3.1 Policy Reforms

Overload offences have not yet been decriminalised in Swaziland. Legislation for the administrative adjudication of road traffic offences have however been drafted and is awaiting approval.

The Roads Department within the Ministry of Public Works and Transport is responsible for the provision of the infrastructure whilst the weighbridges will be operated by the transport inspectors of the Road Transportation Department (RTD) and officers of the Royal Swaziland Police will perform the enforcement of overload offences.

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: These definitions are in line with the tripartite definitions.
- Demerit points and overload fees: The penalty point system is being compiled.
- Electronic payment: An electronic payment system will be implemented in future.
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, Swaziland’s function in this regard is to ensure its participation in the regional programme.

1.1.3.4 Weighbridge Certification, Verification and Maintenance

There are no provisions in the Road Traffic Act or Regulations for the certification, verification or maintenance of weighbridges.

1.1.3.5 Performance-Based System

There are no performance-based systems in Swaziland.

1.1.3.6 Liability for Overload Offences

The driver is liable for overload offences. This will have to be changed in accordance with the VLM MOU.

1.1.3.7 Reciprocal Recognition

The current legislation does not allow for reciprocal recognition in relation to authorised officers and weighbridge certificates. It is assumed that this aspect will be attended to in the review of the Swaziland legislation.

1.1.3.8 Tolerance

It is not known what tolerance Swaziland allows.

1.1.3.9 Training

There is an “on-going” program in various road transport sectors. The training is out-sourced to South Africa and other African Countries.

1.1.3.10 Transitional Provisions of the VLM MOU

Swaziland is already in the process of reviewing its national legislation against the backdrop of the documents agreed on by the Tripartite.

1.1.3.11 Implementation Framework

Swaziland will have to develop an implementation framework in relation to the Tripartite agreements and supporting infrastructure.

1.1.4 Baseline Requirements for Vehicle Standards

1.1.4.1 Equipment on Vehicles

Swaziland adopted all the standards agreed on by the Tripartite and during the review of the legislation it will be incorporated into the legislation making the standards mandatory.
1.1.4.2 Vehicle Dimensions and Regulations

Maximum Length:

- Trailer attached to a drawing vehicle in such a manner that the combination of trailer and drawing vehicle cannot bend in a horizontal plane: 1.8m
- Trailer with one axle or axle unit (excluding a semi-trailer): 8m
- Articulated motor vehicle or other vehicle consisting of a drawing vehicle and a semi-trailer: 17m
- Any other vehicle, including a semi-trailer: 12.5m
- Combination of motor vehicles: 20m

Maximum Width:

- 2.5m

Maximum Height:

- 4.1m

The above dimensions do not comply with those agreed on by the Tripartite and it is assumed that Swaziland will amend the permissible lengths of vehicles in accordance with the agreed Tripartite lengths in the review of its legislation.

1.1.4.3 Loads on Vehicles

The current Road Traffic Regulations, 1967 still regulate mass limits. Permissible mass limits are determined in accordance with the space between the centre lines of adjacent tyres on an axle. There is no provision for the bridge formula (although, according to officials, the bridge formula is applied) or for a combination of vehicles, or for axle units. In the review of their legislation Swaziland will have to adopt the axle and axle unit loads as well as the maximum permissible combination mass as provided for in the VLM MOU.

1.1.4.4 Transportation of Dangerous Goods

Swaziland Standards Authority adopted the United Nation’s Standards on the transportation of dangerous goods. These standards will however have to be incorporated in the new legislation and made compulsory.

1.1.4.5 Testing of Vehicles for Roadworthiness

Swaziland envisages to adopt SZNS 007:2011 “Testing of motor vehicles for roadworthiness”. The standard covers the examination and testing of all vehicles for roadworthiness and is used in conjunction with the Road Traffic Act and Regulations. This standard is the same as that agreed on by the Tripartite.

RTD operates 4 vehicle testing stations in Swaziland, of which 2 testing stations (at Matsapha and Siteki) have been equipped with automated test equipment procured form Workshop Electronics in South Africa and at 2 testing stations (Piggs Peak and Nhlangano) manual inspections are performed by the vehicle examiners.

There is no formal registration and grading process for vehicle examiners.
Vehicle roadworthiness testing is required under the following circumstances:

- Public service vehicles, for both passengers and goods are to be tested every 6 months
- Used vehicles must be tested before being registered for the first time (imported used vehicles)
- Home built vehicles must be tested before being registered for the first time
- Scrapped or deregistered vehicles must be tested before being registered again
- At a change in ownership

When a vehicle is found to be roadworthy a certificate of fitness is issued in respect of the vehicle – see Figure 1 for the certificate in respect of public service vehicles. It is noted that no disc to be displayed in the windshield of the vehicle forms part of the certificate of fitness, which makes policing or verification of compliance difficult.

Although RTD can verify compliance in respect of goods and passenger vehicles at the time of the issuing of a permit, it will not be possible for law enforcement agencies in foreign countries. While the absence of a disc in the case of roadworthiness tests performed for purposes of registration of the vehicle or recording a change in ownership is understandable, a disc should be issued in respect of any passenger of goods vehicle participating in cross-border transportation.

![Figure 1: Vehicle Certificate of Fitness](image-url)
1.1.4.6 Evaluation of Vehicle Test Stations

There is no standard or separate inspection unit for the evaluation of testing stations in Swaziland.

1.1.5 Baseline Requirements for Driver Standards

1.1.5.1 Driving Licence Categories

Swaziland implemented the following broadly defined driving licence categories:

<table>
<thead>
<tr>
<th>Licence Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Motor cycle, solo, engine capacity not exceeding 50cc</td>
</tr>
<tr>
<td>B</td>
<td>Motor cycle, solo, engine capacity exceeding 50cc</td>
</tr>
<tr>
<td>C</td>
<td>Motor tricycle</td>
</tr>
<tr>
<td>D</td>
<td>Motor cycle with sidecar</td>
</tr>
<tr>
<td>E</td>
<td>Light motor vehicle</td>
</tr>
<tr>
<td>F</td>
<td>Heavy motor vehicle</td>
</tr>
<tr>
<td>G</td>
<td>Motor vehicle specially adapted constructed or equipped for use by a physical disabled person</td>
</tr>
<tr>
<td>H</td>
<td>Tractor</td>
</tr>
<tr>
<td>I</td>
<td>Other motor vehicles, including vehicle propelled by electrical or steam power</td>
</tr>
</tbody>
</table>

These categories are matched to the Definitions included in the Baseline Requirements in the table below (equivalent Baseline Code stated in brackets):

<table>
<thead>
<tr>
<th>Licence Category</th>
<th>Definition</th>
<th>Pictograph</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (A1)</td>
<td>Light motorcycle without a sidecar with a cubic capacity not exceeding 125cm³ or propelled by electrical power, or vehicle having pedals and engine or electrical motor.</td>
<td><img src="motocycle.png" alt="Motorcycle" /></td>
</tr>
<tr>
<td>B (A)</td>
<td>Motorcycle without a sidecar, with a cubic capacity exceeding 125cm³</td>
<td><img src="motorcycle.png" alt="Motorcycle" /></td>
</tr>
<tr>
<td>C, D (B1)</td>
<td>Motor powered tricycles and quadricycles.</td>
<td><img src="tricycle.png" alt="Tricycle" /></td>
</tr>
<tr>
<td>E (B)</td>
<td>Motor vehicles with a maximum authorised mass not exceeding 3,500kg and having not more than 8 seats in addition to the driver's seat; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750kg.</td>
<td><img src="vehicle.png" alt="Vehicle" /></td>
</tr>
<tr>
<td>Licence Category</td>
<td>Definition</td>
<td>Pictograph</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>E (BE)</td>
<td>Combination of motor vehicles consisting of the tractor vehicle in category B above and its trailer(s) a maximum authorised mass exceeding 750kg.</td>
<td><img src="image1.png" alt="Tractor and Car" /></td>
</tr>
<tr>
<td>F (D1)</td>
<td>Motor vehicles used for the carriage of persons and having more than 8 seats but not more than 16 seats in addition to the driver’s seat; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750kg.</td>
<td><img src="image2.png" alt="Bus" /></td>
</tr>
<tr>
<td>F (D1E)</td>
<td>Motor vehicles in category D1 above combined with a trailer having a maximum authorised mass exceeding 750kg.</td>
<td><img src="image3.png" alt="Tractor and Bus" /></td>
</tr>
<tr>
<td>F (D)</td>
<td>Motor vehicles used for the carriage of persons and having more than 16 seats in addition to the driver’s seat; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750kg.</td>
<td><img src="image2.png" alt="Bus" /></td>
</tr>
<tr>
<td>F (DE)</td>
<td>Combination of motor vehicles consisting of the tractor vehicle in category D above and its trailer has a maximum authorised mass exceeding 750kg.</td>
<td><img src="image3.png" alt="Tractor and Bus" /></td>
</tr>
<tr>
<td>F (C1)</td>
<td>Motor vehicles whose maximum authorised mass is over 3 500kg but not more than 16 000kg; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750kg.</td>
<td><img src="image2.png" alt="Bus" /></td>
</tr>
<tr>
<td>F (C1E)</td>
<td>Combination of motor vehicles consisting of the tractor vehicle in category C1 above combined with a trailer having a maximum authorized mass exceeding 750kg.</td>
<td><img src="image3.png" alt="Tractor and Bus" /></td>
</tr>
<tr>
<td>F (C)</td>
<td>Motor vehicles whose maximum authorised mass is over 16 000kg; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750kg.</td>
<td><img src="image2.png" alt="Bus" /></td>
</tr>
<tr>
<td>F (CE)</td>
<td>Combination of motor vehicles consisting of the tractor vehicle in category C above and its trailer(s) a maximum authorised mass exceeding 750kg.</td>
<td><img src="image3.png" alt="Tractor and Bus" /></td>
</tr>
<tr>
<td>G (restriction)</td>
<td>Motor vehicle specially adapted constructed or equipped for use by a physical disabled person</td>
<td><img src="image4.png" alt="Tractor" /></td>
</tr>
<tr>
<td>H (restriction)</td>
<td>Tractor</td>
<td><img src="image4.png" alt="Tractor" /></td>
</tr>
<tr>
<td>I (restriction)</td>
<td>Other motor vehicles, including vehicle propelled by electrical or steam power</td>
<td><img src="image5.png" alt="Car" /></td>
</tr>
</tbody>
</table>

It is noted that the vehicle categories implemented in Swaziland have been defined only in very broad terms, which is neither in accordance with best practice to allow a driver only to drive a vehicle of similar size and capacity to the one in which he/she was tested, nor are the categories compliant with the Baseline Requirements.
Furthermore, the categories G, H and I should be a vehicle restriction limiting the licence holder to vehicles adapted for physically disabled, tractors and/or industrial/agricultural equipment only or electrical vehicles in accordance with the Baseline Requirements rather than a separate authorisation to drive a tractor or construction vehicle. In this manner the size of the tractor in respect of which the applicant was tested can be matched to the categories B, C1 and C, instead of passing the driving test for example on a small tractor and then be allowed to drive very large tractor.

1.1.5.2 Driving Licence Card

The driving licence card complies with neither the SADC nor the baseline required vehicle categories and format.

![Driving Licence Card](image1.jpg)

**Figure 2: Driving Licence Card issued by RTD**

However, the following is noted to be non-compliant with the Baseline Requirements:

- Number notation of entries on the front of the licence must be added.
- Pictograms for driver and vehicle restrictions should be used instead of numbers.
- Driving licence should not be issued for an indefinite period and the expiry date should be stated on the card.

1.1.5.3 PrDP

RTD does not endorse the PrDP on the driving licence, but issues a separate document in the form of a manually completed Public Driving Permit (PDP) and not a PrDP in accordance with the SADC Agreement – see Figure 3 below.
This PDP is not compliant with the Baseline Requirements in the following respects:

- The PDP does not follow an agreed format and display/layout of the information recorded, the class of vehicle and PDP category is not displayed prominently, all of which will be confusing to law enforcement authorities outside of Swaziland.

- The issuing of the PDP is not recorded on any computer system and the only record of the details recorded on the original would be on a carbon copy if such copy exists. Thus it can neither be electronically verified during the course of an operator grading process in accordance with the MCBRTA, nor can the details thereof be shared with the law enforcement agencies of foreign countries by means of TRIPS.

- The PDP document in not secure an can easily be falsified or altered by replacing the photograph (which is attached by staples) or by changing the class of vehicle, category of PDP or the validity period.

1.1.5.4 Training and Testing of Drivers and Professional Drivers

Driving schools are currently only registered with the Ministry of Commerce as a business before they are permitted to participate in the training of drivers. It is envisaged that driving schools will at a future date have to be registered with RTD, confirming that it has the required facilities, including adapted vehicles equipped with dual pedals. Instructors first pay an application fee at Revenue and then present themselves to an examiner at RTD to be tested. If they pass the test, a handwritten driving instructor authorization is issued.
No formal syllabi for the training of drivers have been prepared by Road Safety and driving schools and instructors are expected to train their students in accordance with the published provisions of the Road Traffic Legislation and the K52 assessment.

It is currently not a requirement in Swaziland for a person who wishes to obtain a learner licence or a driving licence to be trained by a driving school.

The learner test of the theory is conducted orally. A learner applicant approaches Treasury to complete the application form and pay the fee, then proceeds to the Police for the oral test. If successful, the Police examiner endorses the application form and applicant goes back to Treasury for the learner’s licence to be issued – see Figure 4 below.

![Learner's Licence issued by Treasury](image)

**Figure 4: Learner’s Licence issued by Treasury**

This learner’s licence is not compliant with the Baseline Requirements in the following respects:

- The issuing of the learner’s licence is not recorded on any computer system and the only record of the details recorded on the original would be on a carbon copy if such copy exists.

- The learner’s licence is not secure and can easily be falsified or altered by replacing the photograph (which is attached by staples) or by changing the class of vehicle or the validity period.

A driver applicant starts at Treasury to pay and complete application form, then proceeds to the Police to make an appointment. On the day of the appointment, a RTD examiner goes to police station to perform the road test in accordance with the K52 procedure. There is a testing ground used for training and testing in every town where the yard test is performed by the RTD examiner. A card format driving licence is printed centrally (see Figure 2) and issued to applicants who have passed the practical test.

In future a dedicated driver testing centre will be used, 2 of which have already been built at Matsapha for the Manzini region and at Siteki for the Lubombo region. These centres will be operated by RTD as a “one stop” facility for vehicle and driver testing. Then the applicants will apply, pay the fees to a Treasury officer at the centre and be tested without having to travel from one office to another.
The following are pre-requisites for PDP applicants:

- Must be at least 21 years of age
- Must have held a driving licence for at least 2 years
- Must submit a medical certificate

Applicants are assessed on their knowledge of road signs and rules of the road, but no practical test is performed. The PDP is completed by hand and the details thereof are not recorded on the driver register – see Figure 3.

1.1.6 Baseline Requirements for Compliance and Law Enforcement

1.1.6.1 Road Transport Management System (RTMS)

There is currently no Road Transport Management System (self-regulatory or performance based systems) in Swaziland.

1.1.6.2 Enforcement Procedures for Foreign Operators and Drivers

Swaziland does not distinguish in its enforcement processes between foreign operators/drivers and local operators and drivers. Road traffic offences had not been decriminalised. However, according to officials, overload offenders have to pay their fines before they are allowed to proceed onto the road. This process could not be substantiated by perusing the legislation.

Road traffic enforcement is performed by the Royal Swaziland Police. In addition, transport inspectors of RTD perform enforcement in respect of transportation permits.

1.1.7 Exchange of Information

1.1.7.1 System

RTD operates the following three different systems for Vehicle, Operator and Driver registers:

**Vehicles System**

Registration Certificates (Blue Books) are currently handwritten. Once a vehicle has completed the registration process, a physical file is created for the vehicle and the paper file is sent to the Central Vehicle Registry at Treasury for data capturing and record keeping.

All the documents contained in the physical file are then scanned through the EDRMS (Electronic Document Record Management System) which is primarily used to keep the soft copies of these documents for ease of document retrieval whenever necessary. Main components of the system are

- Generate Available Registration Numbers
- New Registration or Amendments
- Change of Vehicle Ownership
- Application for Cancellation or Exemption
- Maintain Licence Fees (currently the 12 month licences do not expire on a monthly basis but at the end of a quarter and pre-printed discs are used)
- Enquiries and Reports
The system has a character user interface, was developed in Adabas Natural, runs on Adabas database and is accessible within the Government network where the system interfaces with other government systems. Although there is no limitation regarding the number of users, the system runs on an IBM mainframe server, Z9 series, and is accessed from 14 offices through a fibre network.

Driver Licence System

This system makes provision for the capturing, updating and printing of driver’s licences for the Swazi Citizenry. The system is linked with other systems for validations and security measures. It is linked with the Population Registry for verification of Personal Identity number (PIN), by displaying the name and address of an applicant after capturing the ID number. If the number presented is incorrect, the system will indicate that. It is also linked with the Government revenue system for verification of receipts. The system also checks if the Graded Tax Number belongs to the authorized driver.

Main components of the system are

- Capture Driver details
- Issue drivers licence
- Re-issue drivers licence
- Queries and reports

The system has a graphical interface developed in .NET and SQL database and is accessible within the Government network where the system interfaces with other government systems. Although there is no limitation regarding the number of users, the system runs on a Windows 2012 server, SQL 2012 database server and is accessed from 14 offices through a fibre network.

Operator System (Road Permit Management System)

The function of the system is to manage road permits issuance, but the Road Permit Management System needs integration. The system should interface with the Vehicles Systems to ensure that vehicle registration numbers captured in this system exist in the Vehicle register. For work permit holders, the system should validate the permit to ensure that it’s a valid and active permit. The main modules in the system are as follows:

- Permit Application
- View Application
- Control time table
- Permit Issuing

The system has a graphical interface developed in .NET and SQL database and is accessible within the Government network where the system interfaces with other government systems. Although there is no limitation regarding the number of users, the system runs on a Windows 2012 server, SQL 2012 database server and is accessed from 14 offices through a fibre network.
Road Traffic Offence System

The aim of this system is to record all traffic offences and the details regarding these offences. The system produces reports and statistical information regarding traffic offences. The main functions are as follows:

- Road traffic accidents
- Road traffic offences
- Reports

The system is operated by the Royal Swaziland Police. It was decided that Transport Inspectors of RTD will in future use the same system. The system has a character user interface, was developed in Adabas Natural, runs on Adabas database and is accessible within the Government network where the system interfaces with other government systems. Although there is no limitation regarding the number of users, the system runs on an IBM mainframe server, Z9 series, and is accessed from 14 offices through a fibre network.

1.1.7.2 Registration of Vehicles

Similar to the practice followed by most of the SADC members, a single vehicle registration document (registration book) is issued in Swaziland which records both the owner and vehicle details. Vehicle registration is performed by RTD at 14 offices.

Before an imported vehicle can be registered in Swaziland,

- customs clearance has to be issued by Swaziland Revenue Authority (SRA), and
- Police clearance (Interpol) has to be issued by the Royal Swaziland Police, which is a manually completed document.

In the case of a new vehicle, no roadworthiness certification is required, but for imported used vehicles and built-up vehicles a roadworthiness certificate must be presented too.

Upon payment of the registration and first annual licence fees at Treasury and presentation of all the supporting documents, inclusive of the ID of the owner, tax clearance and invoice for the vehicle to RTD, a registration number is assigned to the vehicle and the registration book in Figure 5 is prepared manually. The paper file with all supporting documents is sent to the Central Vehicle Registry at Treasury for data capturing and record keeping.

Change of ownership is performed using the registration book as the name of the buyer is recorded on the back of the registration book as the new owner. The seller provides the buyer with a signed notification of disposal form to enable the buyer to perform the change in ownership process. The buyer approaches the Police to obtain a police clearance of the vehicle, has the vehicle certified for roadworthiness and then submits all the supporting documents to RTD for the registration of the change in ownership.

RTD records the name of the buyer on the registration book previously prepared for the vehicle (see Figure 5) and submits the paper file to the Central Vehicle Registry at Treasury for data capturing and record keeping.
1.1.7.3 Licensing of Vehicles

For the annual licence renewal, vehicle owners are not limited to RTD offices but can visit any revenue office, present the registration book of the vehicle, pay the corresponding annual licence fee and then a licence disc is issued.

The annual vehicle licence fees are based on the tare (unladen mass) of the vehicle. Currently the annual licences do not expire on a monthly basis, 12 months after the obligation to licence the vehicle arose, but at the end of a quarter and pre-printed discs are used.

The recording of payment of the annual licence fees on the back of the registration book is shown in Figure 6 below.
A handwritten licence disc is also issued to be displayed on the windshield of the vehicle. The registration number of the vehicle is recorded on the licence disc and the disc displays the quarter and year of expiry in bold red figures for easy identification by law enforcement officers – see Figure 7.
Government vehicles are also issued with a disc – see Figure 8.

![Government Vehicle Licence Disc](image)

**Figure 8: Government Vehicle Licence Disc**

### 1.1.7.4 Registration of Operators

RTD performs the registration of operators and issuing of permits only from a central office in Mbabane where the Transport Advisory Board is based. It is envisaged to receive applications in future at regional offices for data capturing, but these will still be considered centrally by the Board. However, the Board would meet in the regions and the permit would be printed at the regional office.

The computer system has a module for operator registration, but it needs integration. RTD is currently issuing a Transport Licence Disc (T-Disc) to operators of public services vehicles and freight operators (see Figure 9).

![Transport Licence Disc issued by RTD](image)

**Figure 9: Transport Licence Disc issued by RTD**
Both passenger and goods domestic permit applications are advertised through the agreed media and remain open to objection for a period of 14 days before consideration by the Board. The Board meets twice per week to decide if an application can be granted. Amongst others the financial standing of an applicant is considered to determine whether it would be possible for the applicant to acquire a vehicle.

If an application is rejected by the Board, the operator has a right to appeal to the Appeal Board. Once an application is granted, the operator is issued with a letter of acceptance, which is valid for 90 days. Details of the vehicle must be presented within 90 days to take up the permit. The goods permits are not route based but the passenger permits are. RTD is currently issuing a Transport Disc (T-Disc) to operators of public services vehicles and freight operators.

RTD also performs the registration of cross border operators and issues SADC and COMESA permits on a destination basis to such operators. The counterparts of RTD in the countries of destination are notified of passenger cross border permit applications, but goods cross border permits are issued extra territorial without notifying any counterparts in the foreign countries involved.

![Sample of Cross-Border Permit issued by RTD](image)

**Figure 10:** Sample of Cross-Border Permit issued by RTD
The operator registration process in Swaziland is not in compliance with the proposed provisions of the MCBRTA and will require considerable change when the MCBRTA is signed and implemented in Swaziland.

### 1.1.7.5 Offence and Accident Register

Both officers of the Royal Swaziland Police and the RTD transport inspectors issue handwritten notices (see Figure 11) to drivers, the carbon copies of which are submitted to the office for record keeping. A RSP6 register of all offences is maintained at each police station. If payments of admission of guilt (AOG) have taken place within 28 days at other police stations, the GReceipt number is notified to the police station where the offence was recorded.

Currently only the notices issued by the Police are captured on the Road Traffic Offence System, but it is envisaged that the RTD transport inspectors will also use the system in future.

However, the system does not provide the functions expected of a fully computerised process, as many of the functions still have to be performed manually.

The Road Traffic Offence System does not generate Court Roll of notices in respect of which AOG has not been paid. It is a manual process to identify unpaid notices from the RSP6 Register after 28 days and to compile the court roll.

Nevertheless, the Road Traffic Offence System is used by the Police to verify outstanding notices in respect of PSVs to make a recommendation when an application for a permit or the renewal thereof is made.

![Figure 11: Prosecution Notice issued by Police Officers (left) & Transport Inspectors (right)](image)

Accidents are reported to the Swaziland Police Service who attend to the scene of an accident and maintain statistical information of the number of accidents and fatalities that have occurred.
Particulars from the Road Accident Report form (RSP126) are recorded on the Road Traffic Offence System by the police with a view to assist with the investigation into the causes of accidents, identification of "black spots" and maintain statistics on the number of accidents and fatalities.

However, the system does not have GIS capabilities to assist in the demarcation of the location of accidents and recent accident statistics are not available.

1.1.7.6 Summary

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

<table>
<thead>
<tr>
<th>No</th>
<th>Register</th>
<th>Computerised System</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Vehicles</td>
<td>Vehicles System in use to capture data for registration after handwritten registration book is issued. Licence fee payment processed on finance revenue system and recorded on handwritten registration book before pre-printed licence disc is issued. Not compliant with baseline requirements.</td>
</tr>
<tr>
<td>2</td>
<td>Vehicle fitness</td>
<td>Issuing of vehicle certificate of fitness is manual process and not recorded on any system – not compliant with baseline requirements.</td>
</tr>
<tr>
<td>3</td>
<td>Drivers and professional drivers</td>
<td>Learner licence and PDP are handwritten documents. Driver Licence System is used for central production of driving licence cards. Not compliant with baseline requirements.</td>
</tr>
<tr>
<td>4</td>
<td>Driving Codes</td>
<td>Not compliant with the baseline requirements.</td>
</tr>
<tr>
<td>5</td>
<td>Driver Training</td>
<td>Formal driver training by driving school not yet required.</td>
</tr>
<tr>
<td>6</td>
<td>Operators</td>
<td>Road Permit Management System in use for domestic and cross border permits, but needs integration. Not compliant with baseline requirements.</td>
</tr>
<tr>
<td>7</td>
<td>Overloading</td>
<td>No computerised weighbridge system. Not compliant with baseline requirements.</td>
</tr>
<tr>
<td>8</td>
<td>Law Enforcement</td>
<td>Road Traffic Offence System is used to capture details of offences and accidents for statistical purposes, but lacks computerised automation of the enforcement and prosecution process.</td>
</tr>
<tr>
<td>9</td>
<td>Online Processing from all Offices</td>
<td>No online processing is performed. All transactions are concluded by handwritten issuance of pre-printed documents for subsequent capturing on the computerised registers.</td>
</tr>
<tr>
<td>10</td>
<td>Online System Integration</td>
<td>The driver register interfaces with the population register to verify applicants' personal identification numbers.</td>
</tr>
</tbody>
</table>
1.1.8 Cross-Border Transportation

1.1.8.1 Corridor Management

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

- Manzini-Durban Corridor
- Maputo Corridor

![Figure 12: Major trade corridors traversing Swaziland](image)

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 COMESA agreements, no operator registration or "temporary importation permits" in respect of such vehicles are required by Customs Services of the Swaziland Revenue Authority.

The information in respect of foreign vehicles, drivers and operators will be accessible on TRIPS to law enforcement officers and DRTS. 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 identified a new regional weighbridge where currently there is no weighbridge at Manzini on the Manzini-Durban Corridor – see Figure 13 below.

![Manzini-Durban Corridor](image)

**Figure 13: Manzini-Durban Corridor**

Depending on the actual location identified for this new weighbridge at Manzini, it could also serve to perform overload control in respect of vehicles electing to traverse Swaziland instead of following the N4 in South Africa *en route* from Maputo to Gauteng along the Maputo Corridor – see Figure 14 below.
1.1.9.2 Design

There is no computerised overload control system at the newly constructed Matsapha weighbridges and once operational, the axle mass loads and gross mass will simply read from the scale display by the staff operating the weighbridge. Law enforcement will be performed by officers of the Royal Swaziland Police. This design standard is not in compliance with the Baseline Requirements.

It is not clear whether Swaziland will follow the practice by a number of countries in the region by insisting that the fines imposed have to be paid before the vehicle will be permitted to leave the weighbridge, failing which the vehicle is impounded.

The RWLP has also been made available to Swaziland for future consideration of design and location options.

1.1.10 Third Party Motor Vehicle Insurance Schemes

1.1.10.1 Domestic

The Motor Vehicle Accident Fund in Swaziland was established in terms of the Motor Vehicle Accidents Act, 1991 and is funded from the fuel levy. Cover in terms of the Act is strictly restricted to injury or death as a result of negligent driving in Swaziland.

1.1.10.2 Cross-Border

Swaziland requires third party insurance from operators but is not party to the COMESA yellow card scheme.
ANNEXURE A: LIST OF PARTICIPANTS

1  KINGDOM OF SWAZILAND

This report relates to the visit performed by the Legal and IT Experts from 23 to 24 May 2016. Interviews were held with the officials as indicated in the following table.

<table>
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<tr>
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<th>Institution</th>
<th>Contact Details</th>
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