

REPUBLIC OF SOUTH AFRICA

NATIONAL ROAD TRAFFIC AMENDMENT BILL

(As introduced in the National Assembly as a section 76 Bill; explanatory summary of Bill published in Government Gazette No. 24701 of 4 April 2003.) (The English text is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B 31—2003]

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GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the National Road Traffic Act, 1996, so as to provide anew for the period within which certain driving licences remain valid; and to empower the Minister to set different periods within which different categories of persons must substitute their driving licences; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 18 of Act 93 of 1996

1. Section 18 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for subsection (6) of the following subsection:

“(6) (a) A driving licence which has officially been included in an identity document shall be deemed to be a driving licence issued under this Act, until a date fixed by the Minister by notice in the *Gazette*.

(b) In respect of any notice issued in terms of paragraph (a), in the case of any person who was unable to apply for such a driving licence due to him or her being—

- (i) admitted to any medical facility or detained in any state institution in terms of an order issued or sentence imposed by a court of law; or
- (ii) posted by the Government on a foreign mission or assignment, the date determined in that notice shall, upon proof submitted by any such person of the date of his or her discharge from such facility or, release from such institution or his or her return to the Republic, be deemed to be a date six months after the date of such discharge, release or return.”; and

(b) by the addition of the following subsection:

“(7) (a) A driving licence other than a licence contemplated in subsection (6) that was valid immediately before the commencement of this section remains valid until a date determined by the Minister by notice in the *Gazette*.

(b) The Minister may—

- (i) determine different dates for the expiry of the validity of driving licences contemplated in paragraph (a) in respect of different categories of persons; and
- (ii) extend any date determined in terms of subparagraph (i).”.

Substitution of section 19 of Act 93 of 1996

2. The following section is hereby substituted for section 19 of the principal Act:

“Substitution of driving licence before certain date

19. (1) The holder of a driving licence contemplated in section 18(6) or (7) shall apply to a driving licence testing centre for the issue of a driving licence in substitution of his or her existing licence.

(2) An application under subsection (1) shall be made in the prescribed manner and be accompanied by the prescribed documents. 5

(3) A driving licence which has not been substituted as contemplated in subsection (1) becomes invalid on the day after the date determined by the Minister in terms of section 18(6) or (7), as the case may be.

(4) Any person whose licence has become invalid in terms of subsection (3) and who requires a driving licence must apply anew for the issue of a licence in terms of section 18.” 10

Short title and commencement

4. This Act is called the National Road Traffic Amendment Act, 2003, and section 1(a) must be regarded as having taken effect on 30 April 2003. 15

**MEMORANDUM ON THE OBJECTS OF THE NATIONAL ROAD
TRAFFIC AMENDMENT BILL, 2003**

1. The Bill proposes to provide anew for the period within which driving licences contained in identity documents and those that are not so contained shall be deemed to be driving licences in terms of the Act and to empower the Minister to set different dates for different classes of persons to substitute their driving licences and set to different dates for different types of driving licences to be substituted.

CONSULTATION

2. Members of the Executive Councils responsible for traffic or transport in the nine provinces were consulted and consensus regarding the proposed changes was reached.

FINANCIAL IMPLICATIONS FOR STATE

3. None.

PARLIAMENTARY PROCEDURE

4. The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76 (1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 to the Constitution, namely "Road traffic regulation".