

# ROAD TRAFFIC (AMENDMENT) ACT, 1989

No. 15



of 1989

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title
2. Amendment of section 63 (1) of Cap. 69:01
3. Addition of section 125A
4. Addition of Schedule of penalties

**An Act to amend the Road Traffic Act to make special provision with relation to axle load violations.**

*Date of Assent:* 31st August, 1989.

*Date of Commencement:* 8th September, 1989.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Road Traffic (Amendment) Act, 1989. Short title

2. Section 63 (1) of the Road Traffic Act is amended by substituting for the letter and figures "P300" the letter and figures "P600". Amendment of section 63 (1) of Cap. 69:01

3. The Road Traffic Act is amended by inserting between sections 125 and 126 thereof the following section — Addition of section 125A

"Axle load, weight and dimensions 125A (1) Notwithstanding and in addition to the provisions of section 125 and any other provision of the Act, the following provisions of this section shall apply in respect of axle-load violations, and to offences under sections 60 and 61 of this Act.

(2) The Minister may by notice in the Gazette appoint specified public officers to be authorized officers for the purposes of this section.

(3) Such an authorized officer may issue notification of a traffic offence to any person reasonably suspected of exceeding the axle load restrictions prescribed by the Road Transport (Permits) Regulations, or of offences under sections 60 and 61 of this Act setting out the offence, and the penalty for such offence in accordance with the tables set out in the Schedule to or otherwise in this Act.

(4) If the offender wishes to plead guilty in writing, the authorized officer is hereby empowered to accept such written plea, and the appropriate penalty as set out in the said Schedule or otherwise in this Act. He will then forward the notification of the written plea of guilty, and the appropriate penalty, to the nearest court in the area in which the offence took place.

(5) If the offender does not plead guilty in writing and pay the appropriate penalty, the procedure as set out in section 125 shall be followed, as appropriate, the authorized officer being substituted for the police officer therein referred to, and the offences and penalties being deemed to be Traffic offences and penalties prescribed by the Minister in accordance with section 125 (1).

(6) Where the offending axle weight exceeds the maximum shown in the Schedule, the authorized officer shall suspend the permit with immediate effect, and send a report to the Road Transport Controller appointed under section 3 of the Road Transport (Permits) Act who may, if he considers the circumstances so warrant, revoke the permit, or return it upon such conditions as he may consider appropriate.

(7) Notwithstanding any other provision in this section, where there is an axle load violation, an authorized officer shall require any excess load to be off-loaded before allowing the vehicle to proceed further and where there are offences under sections 60 and 61 of this Act an authorized officer shall require the offending vehicle to be made to conform with the requirements of the sections before allowing it to proceed further.

(8) In respect of an offence under section 60 or section 61 of this Act, and notwithstanding the provisions of section 63, where the offender wishes to plead guilty in writing and pay the appropriate penalty to the authorized officer, the statutory penalty for the offence shall be P300''.

4. The Act is amended by the addition at the end thereof of the following Schedule —

Addition  
of  
Schedule  
of  
penalties

**“SCHEDULE  
(section 125A)**

**(a) PENALTY IN PULA FOR SINGLE AND TWO AXLE GROUPS PER AXLE:**

**(i) FOUR TYRES PER AXLE —**

**(Maximum permitted axle weight — 8200 kg)**

<i>Axle Weight in kg</i>	<i>Penalty in Pula</i>
8601 — 9500	250
9501 — 10500	400
10501 — 11500	600
11501 — 12500	900
12501 — 13500	1 830
14501 — 15500	2 500

**(ii) TWO TYRES PER AXLE —**

**(Maximum permitted axle weight — 7700 kg)**

<i>Axle Weight in kg</i>	<i>Penalty in Pula</i>
8101 — 9000	260
9001 — 10000	410
10001 — 11000	650
11001 — 12000	1 000
12001 — 13000	1 450
13001 — 14000	2 040
14001 — 15000	2 830”

**PASSED by the National Assembly this 2nd day of August, 1989.**

**C.G. MOKOBI,  
Clerk of the National Assembly.**