

ROAD TRAFFIC (AMENDMENT) ACT, 2001

No. 13



of 2002

ARRANGEMENT OF SECTIONS

SECTION

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12. Amendment of section 106 of the Act

An Act to amend the Road Traffic Act

Date of Assent: 5th July, 2002

Date of Commencement: 12th July, 2002

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Road Traffic (Amendment) Act, 2001.
2. (1) Section 2 of the Road Traffic Act, (in this Act referred to as 'the Act') is amended by inserting the following definitions in their correct alphabetical order" —
"articulated vehicle" means a combination of vehicles comprising a motor vehicle and semi-trailer coupled to the motor vehicle;
"bus" means a motor vehicle having seating accommodation for more than 30 passengers and not more than 100 passengers on a single deck, exclusive of the driver;
"call-cab" means a light motor vehicle having seating capacity for not more than four passengers, exclusive of the driver, and available for hire or operated for reward from a defined private place;
"Director" means the Director of Road Transport and Safety appointed under section 3;
"double-deck bus" means a bus having an upper and lower deck with seats exceeding 100 passengers, exclusive of the driver;

Short title
Amendment
of section 2
of
Cap. 69:01

Cap.24:02
Cap 40:04
Act No. 17 of
1999
Act No. 28 of
1992
Cap. 65:03
Cap. 24:01

“gross vehicle mass (GVM)” means the maximum weight of a vehicle and its load as specified by the manufacturer or, in the absence of such specification, as determined by a competent authority;

“hazardous goods” means dangerous goods or substances which shall include but not be limited to packages, unit load, bulk containers, bulk transportation equipment, petroleum—based flammable liquids and other objects that are considered hazardous or dangerous in terms of the following Acts —

- (a) Explosives Act;
- (b) Fire Services Act;
- (c) Mines and Minerals Act;
- (d) Wildlife Conservation and National Parks Act;
- (e) Atmospheric Pollution (Prevention) Act; or
- (f) Arms and Ammunition Act.

“heavy motor vehicles” has the meaning ascribed to it by section 4 (2) (c);

“heavy trailer” means a trailer of a GVM exceeding 750 kg;

“laden weight” means the actual weight of the vehicle as loaded, with the crew and passengers on board;

“light trailer” means any trailer of a GVM not exceeding 750 kg;

“mini-bus” means a motor vehicle having seating capacity for more than 11 but not more than 15 passengers, exclusive of the driver;

“midi-bus” means a motor vehicle having seating capacity for more than 15 passengers but not more than 30 passengers, exclusive of the driver;

“physically disabled” means any person driving a light motor vehicle with automatic transmission and adapted and clearly marked with a badge for driving by handicapped persons and which may make use of the facility, road, or portion of the road indicated by an appropriate road sign;

“Professional Driving Permit (PrDP)” means, respectively, one of the permits issued under section 106;

“public service vehicle” means any vehicle which is licenced under Part XIII to —

- (i) carry passengers or goods for hire or reward or on own account; or
- (ii) ply for hire or reward or is let out for hire or reward;

“school-bus” means a motor vehicle used solely for the conveyance of school children from place of abode to a school and vice versa or to undertake extra — curricula activities;

“train-bus” means a bus which —

- (i) consists of two sections connected to form a unit;
- (ii) can swivel in a horizontal plane at the connection between such sections; and
- (iii) is designed or adapted solely or principally for the conveyance of at least 100 passengers, exclusive of the driver;

“unladen weight” means the weight of the vehicle without crew, passengers or load, but with a full supply of fuel, oil, grease, spare wheel and with the tools which the vehicle normally carries.

(2) Section 2 of the Act is amended by substituting for the definition of “taxi-cab” the following new definition—

“taxi” means any public service vehicle having seating capacity for not more than four passengers, excluding the driver, which is licensed under this Act or any other written law relating to the licensing and operation of taxi to ply for hire from a taxi rank or other public place;

3. (1) The Act is amended by substituting for —

(a) the words “Registrar of Motor Vehicles” the words “Director of Road Transport and Safety”; and

(b) the word “Registrar” the word “Director”,
wherever they may appear in the Act.

Amendment of
the Act

4. Section 3 of the Act is amended in subsection (1) by substituting for paragraph (a) the following new paragraph —

“(a) a Director of Road Transport and Safety, who shall have such duties relating to the administration of this Act, as the Minister may, from time to time, determine, which duties the Director may, with the consent of the Minister, delegate to any public officer;”.

Amendment
of section 3 of
the Act

5. Section 4 of the Act is amended by substituting therefor, the following new section —

“Classification
of motor
vehicle

4. (1) This Act shall apply to all motor vehicles and other traffic on a road and other surfaces normally used by motor vehicles.

(2) For the purposes of this Act and any regulations made thereunder, motor vehicles shall be divided into the following classes —

(a) motor cycles —

(i) (A1) not exceeding 125 cubic centimetres (cc) engine capacity and not exceeding 230 kg GVM;

(ii) (A) exceeding 125 cubic centimetres engine capacity or 230 kg GVM;

(b) light motor vehicles —

(B) light motor vehicles not exceeding 3500 kg GVM;

(c) heavy motor vehicles —

(i) (C1) heavy motor vehicles with GVM exceeding 3500 kg GVM but not more than 16000 kg GVM;

(ii) (C) heavy motor vehicles with GVM exceeding 16000 kg;

Amendment
of section 4
of the Act

- (d) combination of vehicles —
 - (i) (EB) combination of vehicles with a light motor vehicle not exceeding 3500 kg GVM and a light trailer (exceeding 750 kg GVM);
 - (ii) (EC1) combination of vehicles with a heavy motor vehicle exceeding 3500 kg GVM but not exceeding 16000 kg with a trailer not exceeding 750 kg GVM; and
 - (iii) (EC) combination of vehicles with a heavy motor vehicle exceeding 16000 kg GVM and one or more trailers exceeding 750 kg GVM;
- (e) tractors —
 - (F) a motor vehicle constructed or adapted for the purpose of hauling trailers but which is not itself designed to carry goods or passengers;
- (f) Professional Driving Permit [PrDP “P” (Passengers), “G” (Goods) “H” (Hazardous)] —
 - (i) the vehicle classes to which the PrDP “P” shall apply include call-cab, taxi, mini-bus, midi-bus, schoolbus, bus, train-bus, double-deck bus, and special;
 - (ii) the vehicle classes to which the PrDP “G” shall apply include a motor vehicle other than a motor cycle or motor car, designed or adapted for the conveyance of goods and in the process of loading or off-loading goods on a public road for hire and reward or on own account;
 - (iii) the vehicle classes to which the PrDP “H” shall apply include any vehicle used for the conveyance of hazardous substances.
- (g) special types —
 - (H) motor vehicles as may be specially authorised by the Director.”

Amendment
of section 30
of the Act

6. Section 30 of the Act is amended by substituting therefor, the following new section —

30. (1) No person shall drive a motor vehicle unless he is the holder of a valid driving licence in respect of that class of vehicle unless otherwise provided by this Act or by any regulations thereunder.

(2) No person shall be entitled to have more than one driving licence issued under this Act.

(3) The driver shall always carry with him the driving licence while driving and must produce it on demand to a police officer for inspection.

(4) No person who owns or is in charge of a motor vehicle of any class shall cause or permit any person to drive such motor vehicle unless such person is the holder of a valid driving licence for that class of vehicle.

(5) Driving licences shall be issued by a licensing officer and shall, unless previously revoked, suspended or cancelled in accordance with the provisions of this Act, remain in force for the lifetime of the holder.

(6) Notwithstanding any other provision of this Act, a person who, immediately before the commencement of this Act, holds a valid driving licence, other than a provisional driving licence, in respect of any class or classes of vehicle, shall not be required to obtain a driving licence for the same class or classes of vehicles under this Act for a period of two years from the date of commencement of this Act, and the old driving licence shall be deemed to be a driving licence issued under this Act for the same class or classes of vehicles:

Provided that this section shall be without prejudice to any provision of this Act relating to the revocation, suspension or cancellation of licences.

(7) Any person who contravenes this section shall be guilty of an offence."

7. Section 33 of the Act is amended by substituting therefor, the following new section —

"Age limits for granting of driving licences

33. A driving licence shall be subject to the following minimum age limit conditions —

- (a) 16 years - class F;
- (b) 18 years - class A1, A, B, EB, H (Special type);
- (c) 21 years - C1, C, EC1, EC,
PrDP "P" Call-cab,
PrDP "P" Taxi,
PrDP "P" Mini-bus,
PrDP "P" Midi-bus,
PrDP "P" Special, and
PrDP "G" Goods,
- (d) 25 years - Pr DP "P" Train-bus,
PrDP "P" Double-deck bus,
PrDP "P" School-bus
PrDP "P" Bus, and
PrDP "H" Hazardous Goods.

Amendment
of section 33
of the Act

8. Section 36 of the Act is repealed.

Repeal of
section 36 of
the Act

Amendment
of section 37

9. Section 37 of the Act is amended by the insertion of the following new subsection —

“(5) Notwithstanding the provisions of this section the Minister may prescribe different requirements with regard to the form of the driving licence.”

Amendment of
section 42 of the
Act

10. Section 42 of the Act is amended by —

(a) deleting all words which appear after the word “offence” in the second line; and

(b) inserting a full stop after the word “offence” in the second line.

11. Section 43 of the Act is repealed.

Repeal of
section 43 of
the Act
Amendment
of section 106
of the Act

12. Section 106 of the Act is amended by substituting therefor the following new section —

“Requirements
for certain
public service
vehicles

(1) No person shall drive a call-cab, taxi, mini-bus, midi-bus or any motor omnibus, used for hire or reward unless he is the holder of a valid PrDP “P” for that class of vehicle.

(2) No person shall drive a vehicle conveying goods for hire or reward or on own account unless he is the holder of a PrDP “G” or PrDP “H” for that class of vehicle.

(3) No person shall drive a school-bus unless he is the holder of a valid PrDP “P” for that class of vehicle and the sign “school-bus” is displayed in front and at the back of the vehicle.”

PASSED by the National Assembly this 18th day of April, 2002.

C.T. MOMPEI,
Clerk of the National Assembly.