

ROAD TRAFFIC ACT
(Cap. 69:01)

ROAD TRAFFIC (FLAGGINGS) REGULATIONS, 2010
(Published on 17th December, 2010)

ARRANGEMENT OF REGULATIONS

REGULATION

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Transport and Communications by section 130 of the Road Traffic Act, the following Regulations are hereby made –

1. These Regulations may be cited at the Road Traffic (Flagging) Regulations, 2010.

Citation

2. (1) In these Regulations, unless the context otherwise requires –

Interpretation

“authorised officer” means an officer of the Botswana Police Service of the rank of Assistant Superintendent or above who is authorised by the Commissioner of Police to direct the flagging of vehicles or the cancellation thereof;

“officer-in-charge” means a police officer in charge of a police station;

“vehicle flagging” means the placement of a mark (flag) in the vehicle registration and licensing system which an authorised officer puts or causes to be put on the registration details of a vehicle for purposes of alerting the Department of Road Transport and Safety vehicle licensing office that the owner or driver, as the case may be, of the vehicle in question has outstanding fines owed to the Government; and

“vehicle registration and licensing system” means the computer-based system operated by the Department of Road Transport and Safety for purposes of capturing the registration details of motor vehicles registered in Botswana.

3. (1) An authorised officer shall, after 21 days upon which an offence has been committed, and upon failure by the person charged with the offence to pay the penalty thereof, flag the vehicle used in the commission of the offence.

Procedure for
flagging
vehicles

(2) The authorised officer shall flag the vehicle referred to under subsection (1) by notifying the offender of his or her failure to pay the penalty and the consequence of the failure thereof using Part A of the Flagging Form set out in the Schedule.

(3) The authorised officer shall, before issuing the instruction to flag a vehicle ensure that –

- (a) the correct title of the offence and code, and station codes are entered into the document containing the details of the offence; and
- (b) the date of offence and the particulars of the offender are correctly captured.

(4) The authorised officer shall upon issuing a notice under subregulation (1), enter a mark and the details of the offence in the vehicle registration and licensing system.

(5) The authorised officer shall issue a single flag for each detected offence.

Cancellation
of flag on
vehicle

4. (1) An authorised officer may, after consulting the officer-in charge, cancel a flag on a vehicle if —

(a) an investigation shows that the alleged offender is a foreigner and has since left Botswana;

(b) the outstanding fine has been paid; or

(c) the case has been withdrawn against the offender.

(2) The authorised officer shall cancel the flag on a vehicle by using Part B of the Flagging Form set out in the Schedule.

(3) Where a flag is cancelled under subregulation (1) the prescribed officer who cancelled the flag shall consider other enforcement action for the particular offence and where appropriate, may issue summons, another flag or arrest the offender.

Responsibility
of owner of
flagged vehicle

5. The registered owner of a vehicle or an alleged offender may, upon finding out that his or her vehicle has been flagged —

(a) pay the outstanding fine relating to the use of the vehicle;

(b) elect in writing to have the matter determined by the court; or

(c) take no action, which may result in the matter being referred to the court by the authorised officer for prosecution.

Freezing of
transactions
relating to a
flagged
vehicle

6. A licensing officer shall not process any transaction relating to a flagged vehicle unless all outstanding fines owed to the Government relating to the use of the vehicle have been settled.

SCHEDULE



FLAGGING FORM
(regulations (3 and 4))

Part A

Station.....Case No.....

Requesting officer.....Rank.....Service No.....

VEHICLE DETAILS

Registration No.....Make.....Model.....Colour.....

DRIVER

Names.....Sex.....ID No.....

OFFENCE.....

Date of offence.....Location of offence.....

Reason for flagging.....

Date.....Signature.....

Authorised officer's comments.....Date.....

Signature.....

licensing officer.....Service No.....Date.....

Signature.....

CANCELLATION OF A FLAG

Part B

Requesting officer.....Rank.....Service No.....

Reason for unflagging (tick appropriate)	accused arrested	paid A of G	vehicle recovered	flagged by error
	Other			
Authorised officer's comments.....				
Date Signature.....				
Licensing officer.....Rank.....Service No.....				
Station.....date.....				
Signature.....				

MADE this 6th day December, 2010.

FRANK RAMSDEN,
*Minister of Transport and
Communications.*