

Conveyance of Dangerous Goods by Road (Part V1) - Legislation

National Road Traffic Act, Act 93 of 1996; Chapter VIII

The *National Road Traffic Act, Act 93 of 1996* makes it an offence for dangerous goods to be consigned, transported or received, except as prescribed in Chapter VIII of the National Road Traffic Regulations (Regulations 273 - 283B).

National Road Traffic Act, 1996¹
Chapter VIII: Dangerous goods

54. Transportation of certain dangerous goods prohibited

No person shall, except as prescribed, offer for transportation in a vehicle, or transport in a vehicle, or accept after transportation in, on or by a vehicle, any prescribed dangerous goods.

55. Appointment of dangerous goods inspector or inspectorate

(1) (a) The Minister may appoint a person, an authority or a body as a dangerous goods inspector or inspectorate.

(b) The training and qualifications of a person appointed under paragraph (a) shall be as prescribed, and an authority or body shall have the services of persons with the prescribed training and qualifications at its disposal before that authority or body is so appointed.

(2) The powers and duties of the inspector or inspectorate contemplated in subsection (1) (a) in relation to the transportation of prescribed dangerous goods shall be as prescribed.

(3) The Minister may, in order to defray the expenditure incurred by or on behalf of that inspector or inspectorate for the purposes of performing

his/ her or its functions, prescribe fees to be paid in respect of inspections carried out by him, her or it in terms of this Act.

National Road Traffic Act, Act 93 of 1996: Regulations 273 - 283B

273. Definitions

For the purposes of this Chapter -

"competent authority" means the competent authority listed in supplement 1 of the code of practice SANS 10229 "Packaging of dangerous goods for road and rail transportation in South Africa";

"consignor" means the person who offers dangerous goods for transport in a vehicle referred to in Regulation 274 (1), and includes the manufacturer or his or her agent, duly appointed as such;

"consignee" means the person who accepts dangerous goods which have been transported in a vehicle referred to in Regulation 274 (1);

"dangerous goods inspector" means a person appointed as such under section 55 of the Act;

"emergency action response system" means a system designed to enable emergency crews arriving on the scene of an incident to determine, from coded placarding on the vehicle, or failing that, from the Tremcard or dangerous goods declaration, the identity of the cargo carried, the nature of the hazard presented and the emergency action to be taken to neutralize the danger, and is as prescribed in codes of practice: SANS 10232-1 "Transportation of dangerous goods - Emergency information systems", Part 1: "Emergency information system for road transportation"; and SANS 10232-3 "Transportation of dangerous goods - Emergency information systems", Part 3: "Emergency action codes";

"exempt quantities" means those quantities that are exempt in accordance with code of practice SANS 10232-1 "Transportation of Dangerous Goods - Emergency information systems";

"incident" means an unplanned event during the transportation or storage of dangerous goods which involves leakage or spillage of dangerous goods or risk thereof;

"multiload" means more than one type or hazard class of dangerous goods or substances carried together; (changed to MIXED LOAD via SANS 10232.1: 2007, Edition 3, February 2007)

"premises" means land or any building or other structure and includes any train, boat, ship, aircraft or other vehicle;

"qualified person" means a person trained to perform any specific task, nominated by the operator, consignor or consignee under Regulation 277; and

"Tremcard" means the transport emergency card listing the hazards and emergency information for a material being transported for use by the driver during an incident, or by the emergency services, if required.

273A. Incorporation of standards

SANS 1518 - Edition 3 - Transport of Dangerous Goods - Design, construction, testing, approval and maintenance of Road vehicles and Portable Tanks (This standard replaced SANS 11398 - Road tank vehicles for petroleum based flammable liquids; and SANS 11518 - Transportation of dangerous goods - design requirements for road tankers - February 2008)

Codes of Practice incorporated into these regulations by notice published by the chief executive officer in the Government Gazette:

SANS 10228 - The identification and classification of dangerous substances and goods

SANS 10229 - Packaging of dangerous goods for road and rail transportation in South Africa

SANS 10230 - Transportation of dangerous goods - Inspection requirements for road vehicles

SANS 10231 - Transportation of dangerous goods - Operational requirements for road vehicles

SANS 10232-1 - Transportation of dangerous goods - Emergency information systems; Part 1: Emergency information system for road transportation

SANS 10232-3 - Transportation of dangerous goods - Emergency information systems; Part 3: Emergency action codes

SANS 10233 - Intermediate bulk containers for dangerous substances

274. Application

(1) Subject to sub regulation (2), this Chapter applies to all vehicles registered in the Republic, wherever they may be, and to all vehicles other than those registered in the Republic, whenever they are within the Republic, in or on which dangerous goods are transported, and to such dangerous goods.

(2) These regulations do not apply in respect of dangerous goods which are transported in quantities which do not exceed the exempt quantities.

274A. Other legislation applicable

If a provision in this Chapter is in conflict with a provision of the Explosives Act, 1956 (Act No 26 of 1956), the Nuclear Energy Act, 1993 (Act No 131 of 1993), the Fire Brigade Services Act, 1987 (Act No 99 of 1987), the Mines and Works Act, 1956 (Act No 27 of 1956), the Environment Conservation Act, 1989 (Act No 73 of 1989), the Occupational Health and Safety Act, 1993 (Act No 85 of 1993), the Hazardous Substances Act, 1973 (Act No 15 of 1973), or the Fertilizer, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No 36 of 1947), the latter provision shall take precedence.

275. Transportation of dangerous goods prohibited

No person shall operate on a public road any vehicle in or on which dangerous goods is transported, unless such dangerous goods is transported in accordance with this Chapter: Provided that -

(a) dangerous goods which is required under this Chapter to be transported in a vehicle in respect of which standard specification SANS 11518 "Transportation of dangerous goods - design requirements for road tankers", apply -

(i) may be transported in such a vehicle; and

(ii) shall be so transported in accordance with the said appropriate standard specification if the vehicle in which the said dangerous goods is being transported was registered for the first time on and after 1 October 2001; and

(b) vehicles carrying dangerous goods in respect of which a placard is required to be fitted to such vehicle, may be fitted with, but shall after 1 October 2001 be fitted, with the appropriate placards prescribed in code of practice SANS 10232-1 "Transportation of dangerous goods - Emergency

information systems", Part 1: "Emergency information system for road transportation".

276. Exemptions

(1) The Minister may, after consultation with the competent authority concerned, either generally or subject to such conditions as he or she may deem fit, by way of notice in the *Gazette*, grant exemption in respect of a specific consignment of dangerous goods to be transported by any vehicle, or class or description of vehicle, from any of or all the provisions of this Chapter, and may, subject to giving reasonable notice, amend or cancel any exemption so granted.

(2) The dangerous goods listed in code of practice SANS 10232-1 "Transportation of Dangerous Goods - Emergency information systems" are exempt from the provisions of these Regulations with regard to quantity or in its entirety, or the quantities of a multiload as determined by the factor, as indicated in that Code of Practice, and for the purpose of the Act, one litre of a substance, is equal to one kilogram of a substance.

Exemptions in terms of SANS 10231

7.4 Exemptions from the requirements of this standard shall apply to the transport of dangerous goods when:

- a) Goods being transported are used for the operation of the vehicle carrying them, for an example fuel in the fuel tank of a vehicle.
- b) The goods are moved between adjacent premises not more than 1 km apart.
- c) Vehicles have built-in road construction machinery.
- d) The carriage of dangerous goods is undertaken by private individuals where the goods are packaged for retail sale and are intended for individuals' personal or domestic use or for their leisure or sporting activities.
- e) The carriage is undertaken under the supervision of the emergency services, in particular by breakdown vehicles towing vehicles containing dangerous goods which have been involved in accidents or that have broken down.

- f) The emergency transport of dangerous goods is intended to save human lives or for the protection of the environment, provided that all necessary precautions are taken for the transport of such goods in complete safety.
- g) The dangerous goods are exempt from road transport regulations by special provision in SANS 10228 or in terms of table C.1, and
- h) The goods are transported by a bona fide farmer or an employee of the farmer and are intended for use in farming operations, provided that
 - 1) The goods are not used for resale either in their original form or in combination with any other substance,
 - 2) The journey does not exceed 250 km of which no more than 50 km shall be on a main arterial road designated with a N number,
 - 3) The quantity of classified dangerous goods in liquid form does not exceed 1000 L,
 - 4) The quantity of classified dangerous goods in solid form does not exceed 1000 kg, and
 - 5) The quantity of classified dangerous goods transported in a mixed load containing goods in both liquid and solid form, in kilograms and litres, does not exceed 1000.

277. Duties of operator, driver, consignor and consignee

- (1) The operator, driver, consignor and consignee shall, subject to any provision to the contrary contained in this Chapter, comply with the requirements with respect to the transportation of dangerous goods in or on a vehicle on a public road, as determined in the standard specifications and codes of practice referred to in Regulation 273A.
- (2) The operator, consignor or consignee, as the case may be, shall nominate a qualified person in the circumstances and with respect to the tasks pertaining to the transportation of dangerous goods, as determined in the standard specifications and codes of practice referred to in Regulation 273A.
- (3) Subject to the provisions of sub regulation (2), the operator, consignor and consignee may nominate a qualified person for any purpose deemed necessary by that operator, consignor and consignee with relation to the transportation of dangerous goods.

278. Dangerous goods to be compatible

The consignor shall ensure that a multiload of dangerous goods transported on a vehicle is compatible as prescribed in Annex D to code of practice SANS 10232-1 "Transportation of dangerous goods - Emergency information systems", Part 1: "Emergency information system for road transportation" (Load Compatibility Chart).

279. Authority for classification and certification of dangerous goods
(1) If there is any doubt as to the appropriate classification of dangerous goods, such dangerous goods shall be classified by an approved classification authority in accordance with code of practice SANS 10228 "The identification and classification of dangerous substances and goods".

(2) Dangerous goods shall be presented by the consignor for transportation packed in packaging that has been approved by an approved test station and by the approved certification authority and marked in the manner contemplated in code of practice SANS 10233 "Intermediate bulk containers for dangerous substances" and code of practice SANS 10229 "Packaging of dangerous goods for road and rail transportation in South Africa".

280. Driver to undergo training

(1) An operator shall ensure that after a date to be determined by the Minister by notice in the *Gazette*, the drivers of the vehicles of which he or she is the operator that has to obtain a professional driving permit as referred to in regulation 115 (1) (f), undergo training at an approved training body to comply with regulation 117 (e).

(2) Each approved training body shall submit a syllabus for the training of the drivers referred to in sub regulation (1) to the Shareholders Committee for approval, and resubmit such syllabus for approval, within 90 days after relevant legislation or SANS specifications, influencing the training material, have been amended.

(3) The syllabus for the training of drivers shall contain at least -

(a) the interpretation and implementation of the instructions on a Tremcard;

(b) general duties of the driver before proceeding on a route concerning, specifically, but not limited to, the condition of the vehicle, the documents to be kept in the vehicle, instructions

regarding the route to be taken, warning signs and warning devices to be displayed or stored in the vehicle, the correct type and number of fire extinguishers to be fitted to the vehicle and protective clothing to be used;

(c) general behaviour expected of the driver on the route, amongst other things, planning of stops for deliveries or checking of the tyres and vehicle, and procedure to be followed in the event of stops, periods of driving allowed, action to be taken in the event of an incident occurring;

(d) general procedure to be followed by the driver on reaching his or her destination; and

(e) general procedure to be followed when loading or offloading dangerous goods.

(4) A training body referred to in sub regulation (2) shall issue drivers with a certificate for the successful completion of training for purposes of regulation 117 (e).

(5) An operator shall ensure that a driver undergo theoretical and practical training at an approved training body for the specific class of dangerous goods that he or she shall be responsible for and practical training by an accredited body for the specific type of vehicle that he or she shall drive.

NOTE : Regulation 280 (1) became enforceable as from 1 July 2008 as published in the Government Gazette No 30763 dated 8 February 2008

281. Documents to be held by driver

(1) The driver of a vehicle referred to in Regulation 274 (1) shall ensure that such Tremcards and dangerous goods declarations as are required in terms of this Chapter, and which pertain to the dangerous goods carried on such vehicle are held in the designated space in the cab of that vehicle at such time as dangerous goods are being transported in such vehicle.

(2) The driver of a vehicle referred to in Regulation 274 (1) shall produce on demand -

(a) a professional driving permit, if applicable; and

(b) *deleted by Gov Gaz 25484 of 25 September 2003*

(c) the documents referred to in sub regulation (1), whenever he or she is operating a vehicle referred to in Regulation 274 (1).

282. Dangerous goods inspectors

- (1) A dangerous goods inspector shall be appointed by the Minister.
- (2) The minimum requirements for appointment as a dangerous goods inspector shall be that the applicant -
 - (a) has obtained a qualification as determined by the Minister;
 - (b) is, in the opinion of the Minister, a fit and proper person; and
 - (c) has undergone training in relation to the laws, policy and operational requirements applicable to the transportation of dangerous goods.
- (3) A certificate of appointment shall be issued to a dangerous goods inspector appointed under subsection (1), and that inspector shall carry the certificate with him or her in the course of his or her duties.

283. Powers, duties and functions of dangerous goods inspectorate and dangerous goods inspectors

- (1) The dangerous goods inspectorate shall -
 - (a) evaluate consignors, consignees and operators to determine their compliance with the provisions of the Act and the standard specifications;
 - (b) conduct investigations into the procedures followed by a person or body of persons in relation to the requirements for the transportation of dangerous goods;
 - (c) keep a database of -
 - (i) every incident that must be reported in terms of SABS 0231 "Transportation of dangerous goods - Operational requirements for road vehicles";
 - (ii) dangerous goods regulated under these Regulations and exempt quantities thereof;
 - (iii) routes frequently used for the transportation of dangerous goods;
 - (iv) operators transporting dangerous goods; and
 - (v) offences and infringements related to the transportation of dangerous goods;

(d) advise the Minister on matters related to the transportation of dangerous goods;

(e) assist traffic officers in the execution of their powers and duties in respect of the transportation of dangerous goods; and

(f) keep abreast with international developments concerning the transportation of dangerous goods.

(2) A dangerous goods inspector employed by the dangerous goods inspectorate may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act -

(a) inspect or search the vehicle or premises, or examine, or extract, take and remove samples of, or direct an approved authority to examine, extract or remove, any substance found in or upon such premises, or any packaging, receptacles, unit loads, bulk containers and bulk transportation equipment or other objects so found which is or is suspected to be used, or destined or intended for use, for, in or in connection with the transport of dangerous goods, or for, or in connection with any other operation or activity with or in connection with the transport of dangerous goods, or open or direct an approved authority to open any packagings, receptacles, unit loads, bulk containers and bulk transportation equipment suspected to contain such dangerous goods;

(b) detain a vehicle which is on reasonable grounds suspected of not complying with these regulations, for the purposes of exercising any of the powers of a dangerous goods inspector under this regulation;

(c) demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;

(d) demand any information regarding any substance or packagings, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;

(e) weigh, count, measure, mark or seal, or direct an approved authority to weigh, count, measure, mark or seal, any substance or packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects or lock, secure, seal or close any door or opening giving access to it;

(f) examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects;

(g) demand from the operator or any person in charge of the vehicle or premises or from any person in whose possession or charge such book, statement or document, an explanation of any entry therein;

(h) inspect any operation or process carried out in or upon the vehicle or premises in connection with any activity referred to in paragraph (a);

(i) demand any information regarding the operation or process referred to in paragraph (h) from the operator or person in charge of the vehicle or premises or from any person carrying out or in charge of the carrying out of such operation or process; and

(j) seize any substance, book, statement or document or other packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects which appears to provide proof of a contravention of any provision of this Act.

(3) If a dangerous goods inspector intends to exercise or perform any power, duty or function under these regulations in the presence of any persons affected thereby, he or she shall, on demand, produce the appointment certificate issued to him or her under Regulation 282.

(4) Notwithstanding the provisions of this regulation, a dangerous goods inspector or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless -

(a) the operator was duly notified;

(b) such unloading, decanting or opening of packages is authorised by the local authority concerned; and

(c) a qualified person supervises the unloading, decanting or opening of packages;

(5) If the dangerous goods inspectorate finds after an investigation in terms of these Regulations, that an operator has committed an offence in terms of these Regulations or does not comply with these Regulations, it must request the MEC concerned to act in terms of section 50 of the Act, providing reasons for the request.

283A. Powers, duties and functions of traffic officers in relation to dangerous goods

(1) A traffic officer may enter any motor vehicle on or in which any substance suspected to be dangerous goods is or is suspected to be transported, or enter any premises on or in which any other operation or activity relating to such transport with or in connection with any such substance is or is suspected to be carried out, and may, subject to the provisions of the Act -

(a) demand from the driver, operator or any person in charge of the vehicle or premises, to produce any document prescribed under these regulations;

(b) demand any information regarding any substance or packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects from any person in whose possession or charge it is or from the operator or person in charge of the vehicle or premises;

(c) determine the quantity or volume of any dangerous goods;

(d) examine or make copies of, or take extracts from, any book, statement or document found in or on the vehicle or premises and which refers or is suspected to refer to the substance, packaging, receptacles, unit loads, bulk containers, bulk transportation equipment or other objects.

(2) Notwithstanding the provisions of this regulation, a traffic officer or an approved authority shall not open dangerous goods packages, or unload or decant dangerous goods unless -

(a) the operator was duly notified;

(b) such unloading, decanting or opening of packages is authorised by the local authority concerned;

(c) a qualified person supervises the unloading, decanting or opening of packages; and

(d) the dangerous goods inspectorate is notified.

283B. Presumption regarding the transportation of dangerous goods and the quantity of such goods

Where in any prosecution for an alleged contravention of any provision in this Act, it is alleged that dangerous goods, as listed in SANS 10228: The identification and classification of dangerous substances, were transported and that such goods were in excess of the exempt quantity, as stipulated in "SANS 10232-1: Transportation of dangerous goods - Emergency information system", -

(a) any document or a copy or extract out of any document, purporting to have been issued by the consignor of such goods or operator of such vehicle, stating the nature of goods and the quantity thereof; or

(b) any extract from the packaging of any goods transported, identifying or marking, such goods as dangerous goods, and any UN number reflected on such packaging,

shall be presumed, in absence of evidence to the contrary, to be *prima facie* proof that such goods were dangerous goods and the quantity of such goods was in excess of the exempt quantity.

National Road Traffic Act, Act 93 of 1996: Chapter IV

Chapter IV: Fitness of drivers

32. Professional driver to have permit

1) No person shall drive a motor vehicle of a prescribed class on a public road except in accordance with the conditions of a professional driving permit issued to him or her in accordance with this Chapter and unless he or she keeps such permit with him or her in the vehicle:

National Road Traffic Act, Act 93 of 1996: Regulations 115 to 124

115. Certain drivers of certain vehicles to hold professional driving permit

(1) Subject to the provisions of sub regulation (2), a professional driving permit shall be held by the driver of -

(a) a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;

(b) a breakdown vehicle;

(c) a bus;

(d) a mini-bus -

(i) the gross vehicle mass of which exceeds 3 500 kilograms; or

(ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver;

(e) a motor vehicle used for the conveyance of persons for reward;

(f) a vehicle carrying dangerous goods the gross vehicle mass of which exceeds 3 500 kilograms or a vehicle to which standard specification SABS 1398 "Road tank vehicles for petroleum-based flammable liquids" or standard specification SABS 1518: "Transportation of dangerous goods - design requirements for road tankers" apply; and

(g) a motor vehicle conveying 12 or more persons including the driver.

(2) The provisions of sub regulation (1) does not apply -

(a) to a traffic officer or examiner of vehicles in the performance of his or her duties as contemplated in sections 3I and 3G of the Act, respectively;

- (b) to a person driving a hearse;
- (c) to a person driving a motor vehicle referred to in regulation 21(1) (a) (ii) or 21(1) (b) to (g);
- (d) subject to regulation 99(2), to a person driving a motor vehicle for which he or she holds a valid learner's licence with the code prescribed for that vehicle in terms of regulation 99(1), while being accompanied by a person holding a valid professional driving permit which authorises him or her to drive that vehicle;
- (e) to a person driving a tractor.

116. Categories of, and authority conveyed by, professional driving permit

- (1) Professional driving permits are divided in the following categories:
 - (a) Category "G", which authorises the driving of a motor vehicle as referred to in regulation 115(1) (a) and (b);
 - (b) category "P", which authorises the driving of a motor vehicle referred to in regulation 115(1)(a), (b), (c), (d), (e) and (g); and
 - (c) category "D", which authorises the driving of a motor vehicle referred to in regulation 115(1).
- (2) For the purpose of sub regulation (1), the term "driving" shall include the driving of a motor vehicle drawing another motor vehicle the last named of which is a motor vehicle as contemplated in regulation 115(1).
- (3) The authority provided by a professional driving permit only applies in respect of a vehicle for which the holder holds a valid driving licence.

117. Disqualification from obtaining professional driving permit

- (1) A professional driving permit shall not be issued by a driving licence testing centre -
- (a) unless an authorisation contemplated in regulation 108(1) was completed and recorded on the register of driving licences in respect of the applicant, or the applicant is in possession of a valid driving licence for a motor vehicle in respect of which the permit is applied for;
unless, in the case of an application for a category "P" and "D" professional driving permit, the applicant is of the age of 21 years and 25 years, respectively, or over;
 - (b) unless a registered medical practitioner or occupational health practitioner has examined the applicant to determine whether or not he or she is disqualified from driving a motor vehicle as contemplated in section 15(1)(f) of the Act, and has certified the applicant to be medically fit on form MC as shown in Schedule 2 not more than 2 months prior to the date of the application;
 - (c) if the applicant has, within a period of five years prior to the date of the application, been convicted of -
 - (i) driving a motor vehicle while under the influence of intoxicating liquor or a drug having a narcotic effect;
 - (ii) driving a motor vehicle while the concentration of alcohol in his or her blood exceeded a statutory limitation;
 - (iii) reckless or negligent driving; or
 - (iv) in the case of an application for a category "P" permit, an offence of which violence was an element;

- (d) during any period for which a professional driving permit or driving licence held by the applicant has been suspended or if such permit or licence has been cancelled; or
- (e) unless, from a date to be determined by the chief executive officer by notice in the Gazette, the applicant for a category "D" permit holds a certificate obtained from an approved training institution as contemplated in regulation 280, not more than 2 months prior to the date of application.

118. Application for professional driving permit

- (1) The driver of a vehicle contemplated in regulation 115(1) shall apply at a driving licence testing centre for a professional driving permit on form PD1 as shown in Schedule 2.
- (2) An application referred to in sub regulation (1) shall be accompanied by
 - (a) the fee for an application for a professional driving permit as prescribed by the MEC of the province concerned;
 - (b) acceptable identification of the applicant;
 - (c) two photographs of the applicant that complies with regulation 103(1);
 - (d) the original driving licence which authorises the applicant to drive a motor vehicle to which his or her application for a professional driving permit relates;
 - (e) the medical certificate on form MC as shown in Schedule 2; and
 - (f) any other professional driving permit or public driving permit already held by the applicant.

- (3) Upon receipt of an application made in terms of this regulation, the testing centre shall -
- (a) ensure that the application is in order with reference to regulation 117 and sub regulation (2);
 - (b) verify that the photographs submitted are those of the applicant; and
 - (c) record the application on the register of professional driving permits and verify from such register that the applicant is not subject to a suspension or cancellation of any driving licence or professional driving permit held by him or her.
- (4) If the driving licence testing centre is satisfied that the application is in order, it shall request the officer in charge of the nearest South African Police Service station for a report of the convictions identified in regulation 117(c), if any, recorded against the applicant and for the purpose of such report, any member of the South African Police Service may take the finger and palm prints of the applicant.

120. Professional driving permit remains in force after application

- (1) Notwithstanding anything to the contrary contained in these regulations, where a person applies for a new professional driving permit in the manner contemplated in these regulations before the expiry of the professional driving permit held by such person, that permit remains valid until such holder is notified of the result of his or her application for a new professional driving permit.
- (2) If the application for a new professional driving permit has been referred to the chief executive officer in terms of regulation 125, the

professional driving permit held by the said person shall continue to remain valid until the driving licence testing centre or chief executive officer notifies that person of the decision of the chief executive officer.

122. Period of validity of professional driving permit, re-application and re-issuing

- (1) A professional driving permit shall be valid for a period of 24 months from the date of authorisation thereof as referred to in regulation 119(1) (e) but shall be deemed to be valid for a further period of twenty one days calculated from the date of expiry unless the permit or a driving licence of the person concerned has been suspended or cancelled.
- (2) Regulations 117, 118 and 119 apply to the re-application and re-issuing of a professional driving permit.

123. Suspension or cancellation of professional driving permit

- (1) If any circumstance arises which would have caused the holder of a professional driving permit to be disqualified from obtaining that permit, the chief executive officer may suspend or cancel the permit held by such person and the holder shall submit the driving licence card on which the permit appears to the chief executive officer, upon which the chief executive officer shall -
 - (a) remove the professional driving permit from the driving licence card; and
 - (b) record the suspension or cancellation of the permit on the register of professional driving permits.

(2) The holder of a professional driving permit whose permit has been suspended or cancelled by a court under section 34 of the Act, shall submit the card on which the permit appears to the registrar or clerk of the court who shall ensure that the professional driving permit is removed from the driving licence card by the chief executive officer and that the suspension or cancellation of the permit is recorded on the register of professional driving permits.

124. Prohibition of permitting or assisting person not being holder of professional driving permit to drive vehicle

(1) No person who -

- (a) is the operator, owner or is in charge or control of a motor vehicle referred to in regulation 115(1) may employ or permit any other person to drive that motor vehicle on a public road, unless that other person is the holder of a professional driving permit of the appropriate category contemplated in regulation 116(1); or
- (b) is the holder of a professional driving permit under this Part, may allow such permit to be used by any other person.

ⁱ Effective from 3 August 2001 (Government Gazette 22553 dated 1 August 2001); Amended in the following Government Gazettes: Government Gazette 25484 dated 25 September 2003; Government Gazette 28916 dated 04 August 2006; and Government Gazette 30763 dated 08 February 2008

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