PROVINCE OF THE WESTERN CAPE

WESTERN CAPE PROVINCIAL ROAD TRAFFIC ADMINISTRATION ACT, 2012

PROVINSIE WES-KAAP

WES-KAAPSE PROVINSIALE WET OP PADVERKEERSADMINISTRASIE, 2012

IPHONDO LENTSHONA KOLONI

UMTHETHO WOLAWULO LWEZOTHUTHO EZINDLELENI WEPHONDO LENTSHONA KOLONI, 2012

No 6, 2012

ACT

To regulate certain road traffic matters in the Province; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Definitions

1. (1) In this Act, unless the context indicates otherwise—

"Head of Department" means the Head of the provincial department responsible for road traffic administration;

"Minister" means the Provincial Minister responsible for road traffic administration;

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act 93 of 1996), and includes the regulations made under that Act;

"Premier" means the Premier of the Province;

"prescribe" means prescribe by regulation;

"Province" means the Province of the Western Cape;

"regulation" means a regulation made under this Act; and

"this Act" includes the regulations.

(2) Any word or expression defined in the National Road Traffic Act, but not defined in subsection (1), bears the meaning assigned to it by that Act, unless the context indicates otherwise.

Registers and records

2. (1) The prescribed registers or records in respect of the payment of fees referred to in section 92(1) of the National Road Traffic Act must be kept by the prescribed institutions or persons.

(2) The prescribed particulars must be recorded in the prescribed manner in the registers and records referred to in subsection (1).

(3) An institution or person referred to in subsection (1) must, in the prescribed manner and at the prescribed intervals, furnish the Minister, or any person or body designated by the Minister, with information recorded in a register or record referred to in subsection (1).

Copy of entry in register or record to be evidence

3. (1) A document purporting to be an extract from, or a copy of, any register or record kept in terms of section 2 and purporting to be certified as such, is in any court admissible as evidence and is *prima facie* proof of the truth of the matters stated in that document without the production of the original register or record from or of which the extract or copy was made.

(2) The information contained in a register or record kept in terms of section 2 must be furnished on request to—

(a) a traffic officer or inspector of licences who requires it for the performance of his or her duties;

(b) any person authorised by the Minister to demand such furnishing; or

(c) a municipality.

(3) Any institution or person keeping a register or record in terms of section 2 must at the request of any person and upon payment of the prescribed fee—

(a) confirm whether or not certain information corresponds to the information contained in that register or record, if the person requesting it on reasonable grounds requires confirmation of that information; or

(b) furnish the information mentioned in paragraph *(a)* to the person requesting it if that person on reasonable grounds requires that the information be furnished to him or her.

Minister may authorise refunds

4. (1) The Minister may, if he or she is satisfied that any amount paid by a person was in excess of the amount properly chargeable under this Act, authorise a refund of that amount, or of any part thereof, to that person.

(2) The Minister may not authorise any refund under this section unless the claim therefor is received by the registering authority concerned or the Province within three years after the date of the payment concerned.

Inspections

5. (1) The Minister may appoint or authorise any person to carry out an inspection to ensure that the provisions of this Act or the National Road Traffic Act are being complied with.

(2) A person appointed or authorised in terms of subsection (1) may at any reasonable time enter any premises, with the consent of the owner or a person in charge of the premises or with a warrant issued by a magistrate, to perform any duties in terms of this Act.

(3) No person may obstruct or hinder any person in the carrying out of any inspection in terms of this section.

Signature on documents

6. (1) Section 86 of the National Road Traffic Act applies to any signature required in terms of this Act.

(2) An electronic signature as defined in the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), is a valid signature for the purposes of this Act.

Minister to prescribe certain fees

7. The Minister must prescribe and administer the fees referred to in section 92(1) and (4)*(a)* of the National Road Traffic Act that are payable in respect of any application or request made, or document issued, or any other matter relating to the registration and licensing of motor vehicles.

Regulations

8. (1) The Minister may make regulations in respect of—

(a) any matter required or permitted to be prescribed by this Act;

(b) any restrictions in respect of the use of lamps emitting a blue light or of sirens on vehicles operated by any person;

(c) the rights and duties of persons using pedal cycles on public roads and the duties of drivers of vehicles to ensure the safety of persons using pedal cycles; or

(d) any matter regarded as necessary or expedient for the implementation of this Act.

(2) The power to make regulations on any matter referred to in subsection (1) includes the power to restrict or prohibit any matter or thing in relation to that matter, either absolutely or conditionally.

(3) Any regulation may be made to apply generally throughout the Province or within any specified part thereof or to any specified category of vehicle or person.

(4) Before the Minister makes any regulation, the Minister must cause a draft of the proposed regulation to be published in the *Provincial Gazette* together with a notice

calling upon interested persons to lodge in writing, and within a period stated in the notice, but not less than four weeks as from the date of publication of the notice, any objections or representations with the Head of Department.

(5) If the Minister decides to alter the draft regulations as a result of any objections or representations in terms of subsection (4), it is not necessary to publish the alterations before making the regulations.

(6) A regulation may provide for penalties for the contravention thereof and also for different penalties in the case of successive or continuous contraventions.

Delegation

9. (1) The Minister may—

(a) delegate to any person any power conferred upon the Minister by or under this Act, except the power to make regulations; and

(b) authorise any person to perform any duty assigned to the Minister by or under this Act.

(2) The Minister may at any time withdraw a delegation or authorisation under subsection (1).

Offences and penalties

10. (1) A person commits an offence if he or she—

(a) contravenes section 5(3); or

(b) in connection with the furnishing of any information which, to his or her knowledge, is to be or may be used for any purpose in terms of this Act, makes a declaration or furnishes information which to his or her knowledge is false or in any material respect misleading.

(2) A person convicted of an offence in terms of subsection (1) is liable to a fine or to imprisonment for a period not exceeding one year.

Payment of fees

11. All fees referred to in section 7 must be paid into the Provincial Revenue Fund.

Payment of fines

12. A fine received in respect of a conviction in terms of section 10 must be paid into the Provincial Revenue Fund.

Transitional provisions

13. A regulation made under the Western Cape Provincial Road Traffic Act, 1998 (Act 12 of 1998), in respect of a matter referred to in section 10 and in force at the commencement of this Act is regarded as having been made under this Act.

Repeal of laws

14. (1) The Western Cape Provincial Road Traffic Act, 1998 (Act 12 of 1998), is repealed.

(2) The Road Traffic Act, 1989 (Act 29 of 1989), is repealed in so far as its administration has been assigned to the Province.

State bound

15. (1) This Act binds the State and any person in the service of the State.

(2) The Minister may, by notice in the *Provincial Gazette*, exempt the State or any department thereof or any person in the service of the State from any provision of this Act, subject to conditions determined by the Minister.

Short title and commencement

16. This Act is called the Western Cape Provincial Road Traffic Administration Act, 2012, and comes into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette.*

WET

Om sekere padverkeersaangeleenthede in die Provinsie te reguleer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Woordomskrywing

1. (1) In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

"Departementshoof" die hoof van die provinsiale departement verantwoordelik vir padverkeersadministrasie;

"hierdie Wet" ook die regulasies;

"Minister" die Provinsiale Minister verantwoordelik vir padverkeersadministrasie;

"Nasionale Padverkeerswet" die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996), en ook die regulasies uitgevaardig kragtens daardie Wet;

"Premier" die Premier van die Provinsie;

"Provinsie" die Provinsie Wes-Kaap;

"regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig is; en

"voorskryf" by regulasie voorskryf.

(2) Enige woord of uitdrukking wat in die Nasionale Padverkeerswet omskryf is maar nie in subartikel (1) omskryf is nie, het die betekenis wat by daardie Wet daaraan geheg is, tensy dit uit die samehang anders blyk.

Registers en aantekenings

2. (1) Die voorgeskrewe registers of aantekeninge ten opsigte van die betaling van gelde in artikel 92(1) van die Nasionale Padverkeerswet bedoel, moet deur die voorgeskrewe instellings of persone gehou word.

(2) Die voorgeskrewe besonderhede moet op die voorgeskrewe wyse aangeteken word in die registers en aantekenings in subartikel (1) bedoel.

(3) 'n Instelling of persoon in subartikel (1) bedoel, moet, op die voorgeskrewe wyse en met die voorgeskrewe tussenpose, die Minister, of 'n persoon of liggaam deur die Minister aangewys, voorsien van inligting wat aangeteken is in 'n register of aantekening in subartikel (1) bedoel.

Afskrif van inskrywing in register of aantekening is bewys

3. (1) 'n Dokument wat voorgee 'n uittreksel uit, of 'n afskrif van, 'n register of aantekening te wees wat ingevolge artikel 2 gehou word en voorgee om as sodanig gesertifiseer te wees, is in enige hof toelaatbaar as bewys en is *prima facie* bewys van die waarheid van die aangeleenthede wat in daardie dokument gestel word sonder voorlegging van die oorspronklike register of aantekening waarvan of waaruit die uittreksel of afskrif gemaak is.

(2) Die inligting vervat in 'n register of aantekening wat ingevolge artikel 2 gehou word, moet op versoek verstrek word aan—

(a) 'n verkeersbeampte of inspekteur van lisensies wat dit verlang vir die uitvoering van sy of haar pligte;

(b) enige persoon wat deur die Minister gemagtig is om sodanige verstrekking aan te vra; of

(c) 'n munisipaliteit.

(3) Enige instelling of persoon wat 'n register of aantekening ingevolge artikel 2 hou, moet op versoek van enige persoon en teen betaling van die voorgeskrewe gelde—

(a) bevestig of sekere inligting ooreenstem met die inligting in daardie register of aantekening vervat, indien die persoon wat dit versoek, op redelike gronde bevestiging van daardie inligting verlang; of

(b) die inligting in paragraaf *(a)* bedoel, verstrek aan die persoon wat dit aanvra indien daardie persoon op redelike gronde versoek dat die inligting aan hom of haar verstrek word.

Minister kan terugbetalings magtig

4. (1) Die Minister kan, as hy of sy oortuig is dat enige bedrag wat deur 'n persoon betaal is, meer is as die bedrag wat behoorlik ingevolge hierdie Wet vorderbaar is, 'n terugbetaling van daardie bedrag of van enige deel daarvan aan daardie persoon magtig.

(2) Die Minister mag geen terugbetaling kragtens hierdie artikel magtig nie tensy die eis daarvoor deur die betrokke registrasie-owerheid of die Provinsie ontvang word binne drie jaar na die datum van die betrokke betaling.

Inspeksies

5. (1) Die Minister kan enige persoon aanstel of magtig om 'n inspeksie uit te voer om te verseker dat die bepalings van hierdie Wet of die Nasionale Padverkeerswet nagekom word.

(2) 'n Persoon wat ingevolge subartikel (1) aangestel of gemagtig is, kan op enige redelike tyd enige perseel betree, met die toestemming van die eienaar of 'n persoon in beheer van die perseel of met 'n lasbrief deur 'n landdros uitgereik, om enige pligte ingevolge hierdie Wet te verrig.

(3) Niemand mag enige persoon by die verrigting van enige inspeksie ingevolge hierdie artikel dwarsboom of hinder nie.

Handtekening op dokumente

6. (1) Artikel 86 van die Nasionale Padverkeerswet is van toepassing op enige handtekening wat ingevolge hierdie Wet vereis word.

(2) 'n Elektroniese handtekening soos omskryf in die Wet op Elektroniese Kommunikasie en Transaksies, 2002 (Wet 25 van 2002), is 'n geldige handtekening vir doeleindes van hierdie Wet.

Minister skryf sekere gelde voor

7. Die Minister moet die gelde voorskryf en administreer wat in artikel 92(1) en (4)*(a)* van die Nasionale Padverkeerswet bedoel word wat betaalbaar is ten opsigte van enige aansoek of versoek gerig of dokument uitgereik of enige ander aangeleentheid rakende die registrasie en lisensiëring van motorvoertuie.

Regulasies

8. (1) Die Minister kan regulasies uitvaardig ten opsigte van—

(a) enige aangeleentheid wat by hierdie Wet voorgeskryf kan of moet word;

(b) enige beperkings ten opsigte van die gebruik van lampe wat 'n blou lig uitstraal of van sirenes op voertuie wat deur enige persoon bedryf word;

(c) die regte en pligte van persone wat trapfietse op openbare paaie gebruik en die pligte van bestuurders van voertuie om die veiligheid te verseker van persone wat trapfietse gebruik; of

(d) enige aangeleentheid wat as nodig of dienstig beskou word vir die uitvoering van hierdie Wet.

(2) Die bevoegdheid om regulasies uit te vaardig oor enige aangeleentheid in subartikel (1) bedoel, omvat die bevoegdheid om enige aangeleentheid of saak met betrekking tot daardie aangeleentheid volstrek of voorwaardelik te beperk of te verbied.

(3) Enige regulasie kan uitgevaardig word om in die algemeen in die hele Provinsie of binne enige bepaalde deel daarvan of op enige bepaalde kategorie voertuig of persoon van toepassing te wees.

(4) Voordat die Minister 'n regulasie uitvaardig, moet die Minister 'n konsep van die voorgestelde regulasie in die *Provinsiale Koerant* laat publiseer tesame met 'n kennisgewing waarby belanghebbende persone uitgenooi word om enige besware of vertoë skriftelik by die Departementshoof in te dien binne 'n tydperk in die kennisgewing vermeld, maar ten minste vier weke na die datum van publikasie van die kennisgewing.

(5) Indien die Minister besluit om die konsepregulasies te wysig na aanleiding van enige besware of vertoë ingevolge subartikel (4), is dit nie nodig om die wysigings te publiseer voordat die regulasies uitgevaardig word nie.

(6) 'n Regulasie kan voorsiening maak vir strawwe vir die oortreding daarvan en ook vir verskillende strawwe in die geval van agtereenvolgende of voortdurende oortredings.

Delegering

9. (1) Die Minister kan—

(a) enige bevoegdheid wat by of ingevolge hierdie Wet aan die Minister verleen is, uitgesonderd die bevoegdheid om regulasies uit te vaardig, aan enige persoon delegeer; en

(b) enige persoon magtig om enige plig te verrig wat by of ingevolge hierdie Wet aan die Minister opgedra is.

(2) Die Minister kan 'n delegasie of magtiging ingevolge subartikel (1) te eniger tyd intrek.

Misdrywe en strawwe

10. (1) 'n Persoon begaan 'n misdryf indien hy of sy—

(a) artikel 5(3) oortree; of

(b) in verband met die verstrekking van enige inligting wat na sy of haar wete vir enige doel ingevolge hierdie Wet gebruik gaan of kan word, 'n verklaring aflê of inligting verstrek wat na sy of haar wete vals of in enige wesenlike opsig misleidend is.

(2) 'n Persoon wat skuldig bevind is aan 'n misdryf ingevolge subartikel (1), is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

Betaling van gelde

11. Alle gelde in artikel 7 bedoel, moet in die Provinsiale Inkomstefonds gestort word.

Betaling van boetes

12. 'n Boete wat ten opsigte van 'n skuldigbevinding ingevolge artikel 10 ontvang word, moet in die Provinsiale Inkomstefonds gestort word.

Oorgangsbepalings

13. 'n Regulasie wat ingevolge die Wes-Kaapse Provinsiale Padverkeerswet, 1998 (Wet 12 van 1998), uitgevaardig is ten opsigte van 'n aangeleentheid in artikel 10 bedoel en van krag is by die inwerkingtreding van hierdie Wet, word geag ingevolge hierdie Wet uitgevaardig te wees.

Herroeping van wette

14. (1) Die Wes-Kaapse Provinsiale Padverkeerswet, 1998 (Wet 12 van 1998), word herroep.

(2) Die Padverkeerswet, 1989 (Wet 29 van 1989), word herroep in soverre die administrasie daarvan aan die Provinsie opgedra is.

Staat gebonde

15. (1) Hierdie Wet bind die Staat en enige persoon in diens van die Staat.
(2) Die Minister kan, by kennisgewing in die *Provinsiale Koerant*, die Staat of enige departement daarvan of enige persoon in diens van die staat vrystel van enige bepaling van hierdie Wet, behoudens voorwaardes wat die Minister bepaal.

Kort titel en inwerkingtreding

16. Hierdie Wet heet die Wes-Kaapse Provinsiale Wet op Padverkeersadministrasie, 2012, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

UMTHETHO

Ulungiselelwe ukuba ulawule imicimbi ethile yePhondo edibene nokuhamba kwezithuthi ezindleleni kunye nemiba ehambelana noko.

NGOKO KE KUWISWA UMTHETHO yiPalamente yePhondo leNtshona Koloni ngolu hlobo:—

Iinkcazi-magama

1. (1) Kulo Mthetho, ngaphandle kokuba imeko ibhekisa kwenye into—
"iNtloko yeSebe" ibhekisa kwiNtloko yesebe yephondo ejongene nemicimbi yolawulo lwezithuthi ezindleleni;
"uMphathiswa" ubhekisa kuMphathiswa wePhondo ojongene nemicimbi yolawulo lwezithuthi ezindleleni;
"umasipala" ngumasipala ochazwe kwicandelo 155(6) loMgaqosiseko weRiphabliki yoMzantsi Afrika, 1996;
"iNational Road Traffic Act" ibhekisa kuMthetho iNational Road Traffic Act, 1996 (UMthetho 93 ka-1996), yaye ibandakanya nemigaqo eyenziwe phantsi kwaloo Mthetho;
"iNkulumbuso" ibhekisa kwiNkulumbuso yePhondo;
"kumiselwe" kuthetha okumiselwe ngomgaqo ;
"iPhondo" libhekisa kwiPhondo leNtshona Koloni;
"umgaqo" uthetha umgaqo owenziwe phantsi kwalo Mthetho
"lo Mthetho" ubandakanya imigaqo.

(2) Intsingiselo yalo naliphi na igama okanye intetho enikwe kuMthetho iNational Road Traffic Act, engachazwanga kwicandelwana (1), lisingise koko kutshiwo nguMthetho, ngaphandle kokuba imeko isingise kwinto eyahlukileyo kunaleyo ibichaziwe.

Iirejista namaxwebhu agciniweyo (iirekhodi)

2. (1) Iirejista namaxwebhu agciniweyo namiselweyo ngokumalunga nokuhlawulwa kwemirhumo echazwe kwicandelo 92(1) lomthetho i-National Road Traffic Act kufuneka agcinwe ngamaziko nabantu abamiselwe ukuba benze oko.

(2) Iinkcukacha ezifunekayo kufuneka zibhalwe ngendlela emiselweyo kwiirejista namaxwebhu ekubhekiswe kuwo kwicandelwana (1).

(3) Iziko okanye umntu ekubhekiswe kuye kwicandelwana (1) kufuneka, ngokwendlela emiselweyo, amane echazela uMphathiswa okanye umntu otyunjwe nguMphathiswa malunga neenkcukacha esele zigcinwe kwirejista okanye kuxwebhu ekubhekiswe kulo kwicandelwana (1).

Ikopi yeenkcukacha ezikwirejista okanye ezigciniweyo ingasebenza njengobungqina

3. (1) Uxwebhu okanye ikopi yayo nayiphi na irejista okanye yoxwebhu olugcinwe phantsi kwemiqathango yecandelo 2, eqinisekisiweyo ukuba yikopi yokwenene, iyamkeleka enkundleni njengobungqina bokuba imicimbi ebhalwe apho kuyo injengokuba ibhaliwe kungadanga kwaba kulandwa irejista ebekubhalwe kuyo kuqala okanye uqobelo loxwebhu ebekubhalwe kulo.

(2) Iinkcukacha eziqulathwe kwirejista okanye ezigcinwe phantsi kwemiqathango yecandelo 2 kufuneka zikhutshwe xa zicelwa—

(a) ligosa lezendlela okanye ngumhloli weelayisenisi ukwenza umsebenzi wakhe;
(b) nguye nabani na ogunyaziswe nguMphathiswa ukuba afune olo lwazi; okanye
(c) umasipala.

(3) Naliphi na iziko okanye umntu ogcine irejista okanye uxwebhu olugcinwe phantsi kwemiqathango yecandelo 2, kufuneka xa kukho umntu ofuna iinkcukacha ezikuyo, emva kokuba loo mntu ehlawule imali emiselweyo-

(a) aqinisekise ukuba iinkcukacha anazo ziyahambelana na nezo zigcinwe kwirejista okanye kumaxwebhu agciniweyo, ukuba ngaba loo mntu ufuna ukuziqinisekisa yaye abe enika izizathu ezivakalayo zokuzifuna; okanye
(b) anikeze ngeenkcukacha ezikhankanywe kumhlathi *(a)* kumntu lowo uzifunayo ukuba ngaba unezizathu ezivakalayo zokuzifuna.

UMphathiswa usenokugunyazisa ukubuyiselwa kwemali kumniniyo

4. (1) UMphathiswa unokuthi, emva kokuzanelisa ukuba okunene imali ehlawulwe ngumntu othile ingaphezulu kwemali efanelwe kukuhlawulwa ngokwalo Mthetho, agunyazise ukuba umntu lowo abuyiselwe loo mali okanye inxalenye yayo.

(2) UMphathiswa akanako ukugunyazisa ukubuyiswa kwemali phantsi kweli candelo ngaphandle kokuba ibango elo libe kuqala lifunyenwe ngugunyaziwe obhalisa imicimbi ehambelana nomba lo okanye libe lithunyelwe kwiPhondo ingaphelanga iminyaka emithathu emva kokuba umntu ehlawule imali leyo.

Uhlolo

5. (1) UMphathiswa angaqesha okanye angagunyazisa nabani ukuba enze uhlolo lokuqinisekisa ukuba imiqathango yalo Mthetho okanye eye-National Road Traffic Act iyathotyelwa.

(2) Umntu oqeshiweyo okanye ogunyazisiweyo ngokwecandelwana (1) angathi, ngexesha elamkelekileyo, angene kuso nasiphi na isakhiwo emva kokufumana imvume kumniniso okanye kumntu ophetheyo kuso okanye xa efumene amaphepha enkundla amgunyazisa ukuba angene apho ukuze enze nawuphi na umsebenzi ochazwe kulo Mthetho.

(3) Akukho mntu unokuphazamisa okanye anqande nawuphi na umntu ukuba enze naluphi na uhlolo ngokwemiqathango yeli candelo.

Utyikityo olukumaxwebhu

6. (1) Icandelo 86 lomthetho iNational Road Traffic Act lichaphazela nayiphi na into ekufuneka ityikityiwe ngokwalo Mthetho.

(2) Utyikityo olwenziwa ngekhompyutha njengoko luchaziwe kumthetho iElectronic Communications and Transactions Act, 2002 (Umthetho 25 ka-2002), lwamkelekile ukuba lungasetyenziswa ngokwalo Mthetho.

UMphathiswa angamisela imirhumo ethile

7. UMphathiswa makamisele okanye alawule imirhumo ekubhekiswe kuyo kwicandelo 92(1) nele-(4)*(a)* le-National Road Traffic Act emayihlawulwe kwimicimbi edibene nokufakwa kwezicelo okanye nasiphi isicelo esenziweyo okanye amaxwebhu akhutshiweyo okanye nawuphi na omnye umcimbi odibene nokubhalisa kunye nokukhutshwa kweelayisenisi zeemoto.

Imigaqo

8. (1) UMphathiswa angenza kwimiba emalunga—

(a) nawo nawuphi na umba ekufuneka okanye ekuvunyelwe ukuba umiselwe ngalo Mthetho;
(b) neyiphi na imiqathango yokusetyenziswa kwezibane eziluhlaza kunye neesayireni kwizithuthi ezisetyenziswa nguye nabani na;

(c) amalungelo kunye noxanduva lwabantu abasebenzisa iibhayisekile kwiindlela zikawonkewonke kunye noxanduva lwabaqhubi bezithuthi l okuqinisekisa ukhuseleko lwabantu abasebenzisa iibhayisekile; okanye

(d) nowuphi na umba othathwa ngokuba uyafuneka okanye uluncedo ekusetyenzisweni kwalo Mthetho.

(2) Igunya lokwenza imigaqo ngomba ekubhekiswe kuwo kwicandelwana (1) libandakanya igunya lokunyina okanye ukuthintela nawuphi na umcimbi okanye into edibene naloo mba ngokupheleleyo okanye phantsi kwemiqathango ethile.

(3) Nawuphi na umgaqo okweli candelo usenokusebenza kwiPhondo lonke okanye kwinxalenye yalo okanye kuluhlu oluthile lwezithuthi okanye lwabantu.

(4) Phambi kokuba uMphathiswa enze nawuphi na umgaqo phantsi kweli candelo, kufuneka kuqala enze umgaqo osayilwayo aze awupapashe *kwiGazethi yePhondo* ukhatshwe sisaziso esimema wonke umntu ochaphazelekayo ukuba afake izimvo zakhe okanye avakalise nayiphi na into ayichasayo ngaloo mgaqo kwiNtloko yeSebe, ngexesha elimiselweyo, kodwa elingekho ngaphantsi kweeveki ezine emva kokuphuma kweso saziso.

(5) Ukuba ngaba uMphathiswa uthatha isigqibo sokwenza utshintsho kwimigaqo esayilwayo ngenxa yeenkcaso okanye izimvo ezingeniswe luluntu ngokwecandelwana (4), akunyanzelekanga ukuba azipapashe ezo ndawo azitshintshileyo phambi kokuba akhuphe imigaqo egqityiweyo.

(6) Umgaqo owenziwe kulandelwa icandelwana (1) ungachaza nangezohlwayo kwabo bathe baphula imigaqo kananjalo kukhutshwe nezinye izohlwayo xa umntu ephindelela ukwaphula imigaqo.

Ugunyaziso

9. (1) UMphathiswa unakho—

(a) ukunika amagunya kuye nawuphi umntu ukuba enze nantoni na uMphathiswa anegunya lokuyenza phantsi kwalo mthetho, ngaphandle kwegunya lokwenza imigaqo; kananjalo

(b) angagunyazisa nabani na ukuba enze nawuphi na umsebenzi ofanele ukwenziwa nguMphathiswa ngokwalo Mthetho.

(2) UMphathiswa angawarhoxisa nanini na loo magunya akwicandelwana (1).

Amatyala nezohlwayo

10. (1) Umntu uya kuba netyala ukuba-

(a) uthe waphula imiqathango yecandelo 5(3); okanye

(b) uthe ngokuphathelele kunikezelo lweenkcukacha ezinokuthi, ngokolwazi lwakhe, zisetyenziselwe nasiphi na isizathu ngokwalo Mthetho, wanika ngabom iinkcukacha engezizo okanye ezilahlekisayo nangeyiphi na indlela.

(2) Umntu ofunyenwe enetyala ngokwemiqathango yecandelwana (1) uya kuthi ahlawuliswe okanye avalelwe entolongweni isithuba esingekho ngaphezulu konyaka.

Ukuhlawula kwemirhumo

11. Yonke imirhumo ekubhekiswe kuyo kwicandelo 7 kufuneka ihlawulwe okanye ingeniswe kwiNgxowa-mali yeNgeniso yePhondo (Provincial Revenue Fund) .

Ukuhlawula kweemali zezohlwayo

12. Isohlwayo semali esifunyenwe kumntu ogwetywe kulandelwa icandelo 10 kufuneka singeniswe kwiNgxowamali yeNgeniso yePhondo.

Imigaqo yethutyana

13. Umgaqo owenziwe kulandelwa umthetho iWestern Cape Provincial Road Traffic Act, 1998 (Umthetho 12 ka-1998), yaye ube ubusasebenza xa bekuqala ukusebenza kwalo Mthetho, malunga nomcimbi ekubhekiswe kuwo kwicandelo 10, uthathwa ngokuba wenziwe kulandelwa lo uMthetho.

Ukubhangiswa kwemithetho

14. (1) Umthetho i-Western Cape Provincial Road Traffic Act, 1998 (UMthetho 12 ka-1998), uyabhangiswa.

(2) I-Road Traffic Act, 1989 (Umthetho 29 ka-1989), iyabhangiswa nanjengoko ulawulo lwayo ludluliselwe kwiPhondo.

Ukubopheleleka kukaRhulumente

15. (1) Lo mthetho ubophelela uRhulumente kunye naye nawuphi na umntu osebenzela uRhulumente.

(2) UMphathiswa angenza isaziso, *kwiGazethi yePhondo,* esikhulula uRhulumente okanye naliphi na iSebe okanye nawuphi na umntu osebenzela uRhulumente, kwiimbophelelo zemigaqo yalo Mthetho, ngokwemiqathango emiselwe nguMphathiswa.

Isihloko esifutshane nokuqala kokusebenza komthetho

16. Lo Mthetho ubizwa ngokuba nguMthetho woLawulo lokuHamba kweziThuthi eziNdleleni kwiPhondo leNtshona Koloni, 2012, yaye uya kuqala ukusebenza ngomhla obekwe yiNkulumbuso ngokuthi yenze uMpoposho *kwiGazethi yePhondo.*