

**REPUBLIC OF NAMIBIA**

**NATIONAL ASSEMBLY**

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**MASS VEHICLE BILL**

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*(As read a First Time)*

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*(Introduced by the Minister of Works and Transport)*

**[B. 19 - 2023]**

## BILL

**To provide for the minimisation of excessive damage to the national road network; to provide for the accreditation and auditing of weigh stations; to provide for the permissible mass for vehicles using the national road network; to provide for the adjudication process for certain violations; and to provide for incidental matters.**

*(Introduced by the Minister of Works and Transport)*

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**BE IT ENACTED** as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

### Definitions

1. In this Act, unless the context otherwise indicates –

“accredited” means accredited in accordance with internationally recognised principles relating to accreditation of weigh stations, whether in Namibia or elsewhere, by any board, council or body or department or authority of a foreign government authorised to accredit weigh stations;

“authorised officer” means a road transport inspector appointed in terms of section 11(1)(e) of the Road Traffic and Transport Act and includes a weighbridge operator who is employed by a person who has an agreement with the Roads Authority in terms of section 15(2);

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“axle”, in relation to a vehicle, means a device or set of devices, whether continuous across the width of the vehicle or not, about which the wheels of the vehicle rotate, and which is so placed that, when the vehicle is travelling straight ahead, the vertical centre-lines of such wheels are in one vertical plane at right angles to the longitudinal centre-line of that vehicle;

“axle unit”, in relation to a vehicle, means –

- (a) a set of two or more parallel axles of such vehicle which are so interconnected as to form a unit; and
- (b) in the case of a trailer, two or more axles, whether interconnected or not, where the distance between adjacent axles is less than 1.2 metres;

“combination of motor vehicles” means coupled vehicles which travel on the road as a unit;

“consignee” means the person or body of persons who receives or is intended to receive goods transported by road;

“consignor” means the person or body of persons who offers goods for transport by road, and includes the manufacturer of the product, the owner or custodian or the party that contracts the operator or their representative duly appointed as such;

“demerit points and penalty system” means the system referred to in section 12;

“electronic payment”, in relation to the payment of a provisional fee, penalty or overload fee in terms of this Act, means a –

- (a) credit or debit card issued by an international credit card company;
- (b) mobile money service offered by a licensed cellular telephone service provider; and
- (c) wire transfer to the bank account designated by the recipient or cash deposit at a banking institution directly into the bank account designated by the recipient;

“foreign carrier” means a foreign carrier as defined in section 68 of the Road Traffic and Transport Act;

“government institution” means an office, a ministry or an agency as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995), an institution or body performing or exercising a public function or power under the Namibian Constitution or under any law of Namibia or a public enterprise as contemplated in section 2 of the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019);

“haulage tractor” means a motor vehicle, designed or adapted mainly for drawing other vehicles, and with a gross combination mass exceeding 24 000 kg, but does not include a truck-tractor or tractor;

“interconnected” means, for the purpose of the definition of “axle unit”, that the design of the axle unit is such that an upward force on one axle in the unit transmits a downward force to the remaining axle or axles in the axle unit and automatically equalise the load across the axles of the unit;

“mass” means the force exerted by a vehicle on the pavement, where that force consists of the tare of that vehicle together with the weight of the load that it is carrying;

“maximum permissible mass”, in relation to a wheel axle or axle unit, a group of axles, a vehicle or a combination of vehicles, means the mass allowed in terms of this Act;

“Minister” means the Minister responsible for transport;

“motor vehicle” means any self-propelled vehicle for the conveyance of passengers or goods by road or for drawing another vehicle on a road;

“national road network” means the national road network as defined in section 1 of the Roads Authority Act;

“NSI” means the Namibian Statistics Institution established under section 2 of the standards Act, 2005 (Act No. 18 of 2005);

“operate on a public road”, in relation to a vehicle, means to use or drive a vehicle or to permit a vehicle to be used or driven on a public road, or to have a vehicle or to permit a vehicle to be on a public road;

“operator” means an operator as defined in section 1 of the Road Traffic and Transport Act or in the case of a foreign vehicle, the person registered as the operator in terms of the law of the country of origin of that vehicle;

“owner”, in relation to a vehicle, means an owner as defined in section 1 of the Road Traffic and Transport Act or in the case of a foreign vehicle, the person registered as the owner in terms of the law of the country of origin of that vehicle;

“pavement” means the durable surface layer of a road and the selected load bearing layers underneath;

“prescribed” means prescribed by regulations made under this Act;

“provisional fee” means an amount payable by an operator by means of electronic payment to secure payment of an overload fee in the case where that operator is found to be liable to pay such fee;

“public road” means a public road as defined in section 1 of the Road Traffic and Transport Act;

“Roads Authority” means the Roads Authority established by section 2 of the Roads Authority Act;

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act No. 22 of 1999);

“semi-trailer” means a trailer having no front axle and so designed that at least 15 percent of its tare is super-imposed on and borne by a vehicle drawing that trailer;

“this Act” includes any regulation issued in terms of this Act;

“trailer” means any vehicle designed to be drawn by a motor vehicle and includes a semi-trailer;

“truck-tractor” means a motor vehicle designed or adapted –

- (a) for drawing other vehicles;
- (b) not to carry any load other than that imposed by a semi-trailer or by ballast,

but does not include a tractor or a haulage tractor;

“vehicle” means a device designed or adapted principally to travel on wheels whether motorised or not;

“violation” means a transgression of this Act which is adjudicated in terms of this Act;

“weighing device” means a weighbridge or any other apparatus, whether installed in a fixed position or mobile, which is intended for use for determining the mass of vehicles, laden or unladen; and

“weigh station” means the entire premises where a weighbridge is installed.

### **Weigh station to be accredited and audited**

2. (1) A weigh station that is used to enforce this Act must be accredited in the prescribed manner.

(2) The Minister may in accordance with section 18(4) incorporate operational standards for weigh stations, incorporating key performance indicators, in accordance with which a weigh station used to enforce this Act is evaluated for auditing purposes.

(3) A person who is not employed by the Roads Authority must, every five years –

- (a) audit a weigh station that is used to enforce this Act in terms of the operational standards referred to in subsection (2); and
- (b) measure the performance of the weigh station referred to in paragraph (a) against the operational standards determined by the Minister in terms of subsection (2).

### **Maximum permissible mass for vehicles using national road network**

3. (1) The Minister must prescribe the maximum permissible mass for a wheel, an axle, an axle unit, a vehicle or a combination of vehicles operated on a public road.

(2) Subject to section 9, a person may not operate a vehicle while that vehicle exceeds the mass prescribed in terms of subsection (1).

**Person liable for violation**

4. (1) In the case of a vehicle registered in Namibia, the person registered as the operator in terms of the Road Traffic and Transport Act, is, subject to subsection (4), liable for any violation in terms of this Act.

(2) In the case of a vehicle registered in a foreign country, the operator or the person registered as or considered to be that operator or licence holder is, subject to subsection (4), liable for any violation in terms of this Act.

(3) In the case of a vehicle registered in a foreign country of which the law does not provide for a similar concept to that of an operator, the person registered as the owner of that vehicle is, subject to subsection (4), liable for any violation in terms of this Act.

(4) When a manager, an agent or employee or the driver of a vehicle contemplated in this Act, of an operator or owner does or omits to do anything which, if the operator or owner had done or omitted to do, would have constituted a violation in terms of this Act, the operator or owner is regarded as having committed that act or omission personally in the absence of evidence indicating that –

- (a) he or she did not connive at or permit such act or omission;
- (b) he or she took all reasonable measures to prevent such act or omission;  
or
- (c) the act or omission did not fall within the scope of the authority of or in the course of the employment of that manager, agent or employee,

and that manager, agent or employee is also liable for violation in terms of this Act.

(5) Despite the provisions of any other law, where different operators or owners are registered for different vehicles in a combination of vehicles, the operator or owner registered for the truck tractor or haulage tractor of that combination of vehicles is liable for any violation in terms of this Act in relation to that combination of vehicles.

(6) The Minister may prescribe regulations in terms of which the consignor or the consignee in relation to goods transported by road may be held responsible for the payment of the provisional fee or the overload fee prescribed in terms of this Act.

(7) For the purpose of subsection (5), a reference in this Act to the owner or operator of a vehicle or combination of vehicles of which the mass exceeds the prescribed permissible mass includes a reference to the consignor or the consignee of the goods carried by a vehicle found to exceed the prescribed permissible mass.

**Consequences of exceeding maximum permissible mass**

5. (1) Despite the provisions of any other law to the contrary, operating a vehicle or a combination of vehicles while the prescribed maximum permissible mass is exceeded constitutes a violation that must be adjudicated in the prescribed manner in accordance with this Act.

(2) The provisional fee or overload fee imposed in terms of this Act for exceeding the permissible maximum mass of a wheel, an axle, an axle unit, a vehicle or a combination of vehicles must be calculated taking into account –

- (a) the cost of additional road pavement consumption by a vehicle or combination of vehicles that exceeds the prescribed permissible mass;
- (b) the weighted average distance that goods vehicles travel per journey;
- (c) an apprehension level factor; and
- (d) a punitive factor that includes an administrative cost recovery factor.

(3) The monetary value referred to in subsection (2)(a) must be adapted annually in accordance with the cost of pavement construction, denoted as follows:

$$\text{Overload Fee} = [\text{Additional ESA (due to overload)}] \times [\text{Cost of ESA/km}] \times [\text{Distance Travelled}] \times [\text{Apprehension Factor}] \times [\text{Punitive Factor}].$$

(4) The liability of an operator or owner to pay a provisional fee arises on the issue of a notice at a weighing station stating that the vehicle concerned is overloaded, the amount to be paid and other information as prescribed.

- (5) The liability of an operator or owner to pay an overload fee arises –
  - (a) after the prescribed period has lapsed, and the operator has not made a submission providing reasons why he or she should not be held liable to pay the overload fee; or
  - (b) on a prescribed date after the operator has made a submission as contemplated in paragraph (a) and the adjudicator has denied the submission.

(6) Despite any law to the contrary, an authorised officer may detain a vehicle or combination of vehicles found to be of a mass in excess of the prescribed maximum permissible mass until –

- (a) the load of that vehicle or combination of vehicles is rectified; and
- (b) a provisional fee as contemplated in subsection (4) has been paid by means of electronic payment by the operator or owner of that vehicle or combination of vehicles before the vehicle concerned is allowed to be released.

(7) The provisional fee payable by the operator or owner of a vehicle or combination of vehicles is equal to the fee to be imposed on the operator or owner of that vehicle or combination of vehicles after the conclusion of the adjudication referred to in subsection (1) in the case of that operator or owner being held liable for the overload violation.

(8) Any provisional fee charged or overload fee imposed in terms of this section must be paid into the Road Fund established in terms of section 16 of the Road Fund Administration Act, 1999 (Act No. 18 of 1999).

(9) The Minister must annually publish the level of overload fees or the provisional fees, calculated by the Roads Authority in accordance with subsection (5), including any other fee or penalty contemplated in this Act, by notice in the *Gazette*.

(10) The adjudication procedure prescribed in terms of subsection (1) must provide for the operator or the owner to make a submission to the Roads Authority within the prescribed period after having paid the provisional fee referred to in subsection (4) providing reasons why he or she is not liable to pay the overload fee.

(11) If the operator or owner fails to make a submission within the prescribed period, the provisional fee paid by that operator or owner is retained by the Road Fund Administration on the date on which the prescribed period lapses, in settlement of the overload fee and the adjudication of the violation is considered to have been concluded.

(12) If the operator or owner in terms of the adjudication referred to in subsection (1) is found not to be liable to pay the overload fee, the provisional fee paid by that operator or owner must be refunded to that operator or owner.

(13) If the operator or owner in terms of the adjudication referred to in subsection (1), despite him or her having submitted reasons to the Roads Authority that he or she be refunded with the amount of the provisional fee that he or she paid, is found to be liable to pay the overload fee, the provisional fee must be retained in the Road Fund in settlement of the overload fee.

### **Adjudication**

6. (1) The Roads Authority must administer the adjudication of overload violations as contemplated in section 5(1).

(2) The Roads Authority may for the adjudication of overload violations, appoint an adjudicator, who must have knowledge of administrative law and of vehicle load management.

(3) The adjudicator may evaluate any submissions made by an operator or owner in relation to the adjudication of an overload violation and for this purpose may undertake any investigation that he or she considers necessary.

(4) The adjudicator may exercise any power that is necessary to perform his or her functions in relation to the adjudication of a violation in terms of this Act.

### **Presumption in relation to mass of vehicle or combination of vehicles**

7. (1) Despite any provision in any other law, where in the adjudication of a violation in terms of this Act or in any legal proceedings arising from the implementation of this Act, evidence to prove that offence is given of mass ascertained by means of a weighing device, that mass is, subject to subsection (2), considered to be correct in the absence of any evidence to the contrary.

(2) A weighing device must be installed in accordance with the relevant standard incorporated into a regulation made in terms of section 14, in the manner contemplated in that section.

(3) The Roads Authority must at all times and in respect of every weighing device be in possession of a certificate stating –

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- (a) the date on which such verification has been done, which date may not be earlier than 12 months before the date of the alleged violation;
  - (b) that the weighing device concerned has been verified to be operating correctly: and
  - (c) that the person issuing the certificate is qualified to do so.

(4) The person issuing the certificate referred to in subsection (3) must be competent to do so and must hold a valid certificate of appointment issued in terms of section 10 of the Metrology Act, 2022 (Act No. 5 of 2022) or hold a qualification approved by the Minister.

### **Presumption in relation to gross vehicle mass of motor vehicle**

**8.** (1) In an adjudication in terms of this Act for a violation in relation to the gross vehicle mass of a motor vehicle or a vehicle –

- (a) any document issued or purporting to have been issued by the manufacturer of such motor vehicle and stating the gross vehicle mass of the particular model of the motor vehicle; or
- (b) in the absence of the document referred to in paragraph (a), a certificate issued or purporting to have been issued by a vehicle testing station which specifies the gross vehicle mass of the particular model of the motor vehicle,

is *prima facie* evidence of the gross vehicle mass of the model of the motor vehicle concerned.

(2) For the purpose of this section, “gross vehicle mass” has the meaning assigned to it by section 1 of the Road Traffic and Transport Act.

### **Abnormal load**

**9.** (1) Despite any law to the contrary, the Roads Authority may, in the prescribed manner, authorise the owner or operator of a vehicle or a combination of vehicles of which –

- (a) the indivisible load in terms of mass, length, width or height does not comply with the maximum permissible mass contemplated in section 3; or
- (b) the length, width or height does not meet the requirements prescribed under the Road Traffic and Transport Act for the operation of that vehicle or combination of vehicles on a public road,

to operate that vehicle or combination of vehicles on a public road.

(2) The Minister must by notice in the *Gazette* publish guidelines developed by the Roads Authority in accordance with which an authorisation referred to in subsection (1) must be issued.

(3) The Roads Authority may impose conditions in relation to each authorisation individually in accordance with the requirements of the vehicle or the load concerned.

(4) The Roads Authority may impose a fee for granting the authorisation referred to in subsection (1), which fee may include –

- (a) the administrative cost of granting the authorisation;
- (b) the estimated cost of the damage to the public road that the excess mass may cause, calculated in accordance with internationally accepted pavement design principles;
- (c) the cost, if any, of escorting the motor vehicle concerned, if necessary; and
- (d) any other reasonable cost relevant to operating a vehicle on a public road while the length, width or height does not meet the requirements prescribed under this Act or the Road Traffic and Transport Act.

#### **Performance-based scheme**

**10.** (1) The Roads Authority may implement a performance-based scheme providing for –

- (a) the screening and approval of prospective participants;
- (b) performance standards;
- (c) the monitoring of performance of participants to the performance-based scheme; and
- (d) a code of conduct binding on operators, owners, consignors, consignees and any other person identified in the logistics chain and which provides for among others –
  - (i) the sharing and formalisation of industry best practices;
  - (ii) mandatory and audited parameters for all aspects of road freight logistics operations including key areas such as driver behaviour, vehicle safety and maintenance and risk assessed operating methods;
  - (iii) the improvement of safety levels;
  - (iv) the reduction environmental impact; and
  - (v) the promotion of professionalism through tried and tested operating procedures.

(2) The Roads Authority, in terms of a performance-based scheme, may impose duties and liabilities in terms of this Act on the consignor or the consignee or any other person identified in the logistics chain.

(3) The Roads Authority, with the approval of the Minister, may exempt an operator, owner, consignor, consignee or any other person identified in the logistics chain who is part of a performance-based scheme, from a provision of this Act in terms of that scheme and on the conditions determined by the Roads Authority.

(4) An operator, owner, a consignor, a consignee or any other person identified in the logistics chain who violates the conditions of the performance-based scheme may be prohibited from partaking in any such scheme for such a period as may be prescribed.

### **Demerit points and penalty system**

**11.** (1) The Minister may prescribe a demerit points and penalty system for the successful enforcement of this Act and that system may provide for –

- (a) every violation in terms of this Act to be accorded demerit points;
- (b) the cancellation or suspension of the operator card issued in terms of section 60 of the Road Traffic and Transport Act, in relation to a vehicle used in a violation of this Act when a prescribed demerit points threshold is reached;
- (c) the suspension of the vehicle licence of that vehicle when a prescribed demerit point threshold is reached;
- (d) the suspension and cancellation of a cross border permit contemplated in Part II of Chapter 6 of the Road Traffic and Transport Act when a prescribed demerit point threshold is reached; and
- (e) any other measure that is reasonably necessary for the effective implementation of a demerit points and penalty system.

(2) Demerit points may be incurred in relation to the transgressor or the vehicle or both.

### **Powers of authorised officers**

**12.** (1) The powers and duties of a road transport inspector are as set out by the Road Traffic and Transport Act and include the enforcement of this Act.

(2) In addition to the powers given to a road transport inspector by the Road Traffic and Transport Act, an authorised officer may detain –

- (a) a vehicle that is; or
- (b) a combination of vehicles that are,

after being weighed, found to be overloaded, until that load is rectified to the permissible maximum mass as contemplated in section 5(6).

(3) An authorised officer may, in the case where a vehicle has evaded a weighbridge or absconded from a weighbridge –

- (a) follow that vehicle and escort it to the weighbridge closest to where that vehicle is found;

- (b) detain that vehicle at that weighbridge until a provisional fee of the prescribed amount has been paid in settlement of that evasion or abscondment; and
- (c) if the vehicle is found to exceed the prescribed permissible maximum mass, act in relation to that vehicle as determined under this Act.

(4) In the enforcement and the adjudication of a violation under this Act, the fact that any person purports to act or has purported to act as a road transport inspector or authorised officer, is *prima facie* evidence of his or her appointment.

### **Appeals**

**13.** (1) Any person, who feels aggrieved by a decision taken in relation to the adjudication of a violation alleged to have been committed by him or her in terms of this Act, may appeal in the prescribed manner to the Transportation Commission of Namibia established by section 2 of the Road Traffic and Transport Act.

(2) A competent court may review a decision of the Transportation Commission taken in terms of this Act read with section 7(d) of the Road Traffic and Transport Act in accordance with the relevant rules of administrative law.

### **Delegation of powers and duties**

**14.** (1) The Minister may delegate or assign to any person or government institution, any power or duty conferred or imposed on the Minister by this Act, except the power to make regulations under section 18.

(2) The Minister may enter into an agreement with any person or government institution to perform any function in terms of this Act.

(3) For the purpose of this section, “person” includes an organisation with which the Minister has entered into agreement in terms of section 111 of the Road Traffic and Transport Act.

### **Violations and penalties**

**15.** (1) In addition to exceeding the prescribed permissible mass for a vehicle or combination of vehicles, it is a violation –

- (a) to evade a weighbridge;
- (b) to abscond from a weighbridge after having been directed to that weighbridge; or
- (c) not to heed any instruction from an authorised officer or any person operating a weigh station or weighing device,

and in the case of any of the violations being committed, the driver and the owner or operator of the vehicle concerned may both be held liable for the violation and the violation may be adjudicated in terms of the procedure prescribed in terms of this Act.

(2) The Minister may prescribe any penalty for a violation committed under this section.

### **Electronic weighing station management system**

16. The Roads Authority must implement a vehicle load management information system to support all functions in the weighing chain, inclusive of the screening of vehicles to be weighed, the identification of a vehicle and the operator or owner of the vehicle, the weighing process, the adjudication process and the payment of overload fees.

### **Power of Minister or Roads Authority to enter into agreements for performance of powers, duties or functions**

17. (1) The Minister or the Roads Authority may enter into an agreement with any person, including any government institution, to provide for the exercise or performance by that person or institution of any power, duty or function conferred or imposed on any functionary by or under this Act, except the power to make regulations under section 18, or for the rendering of any service or the provision of any facility as may be considered necessary or expedient for the purpose of the exercise or performance of any such power, duty or function.

(2) The entrustment of any power, duty or function to any person under an agreement under subsection (1) is subject to such conditions as the Minister or the Roads Authority may determine.

(3) Conditions referred to in subsection (2) may include conditions in relation to the apportionment between the State or the Roads Authority and the contracting party of any fees payable in terms of this Act in respect of the exercise or performance of any power, duty or function entrusted to the contracting party.

### **Regulations and standards**

18. (1) The Minister may make regulations relating to –
- (a) the maximum permissible mass of a vehicle;
  - (b) a system for the authorisation of the operation of a vehicle carrying an abnormal load as contemplated in section 9;
  - (c) the manner of adjudication of any violation in terms of this Act;
  - (d) the fees to be paid in relation to an overload violation in terms of this Act;
  - (e) the provisional fee to be paid in relation to any violation in terms of this Act;
  - (f) the demerit points system in relation to any violation in terms of this Act;
  - (g) the manner of appeal against a decision in terms of the adjudication in terms of this Act; and

(h) any other matter that he or she is permitted or required to prescribe under this Act.

(2) Before the Minister makes any regulation under this section, he or she must publish a draft of the proposed regulation in the *Gazette* together with a notice calling on interested persons to comment, in writing, within a period stated in the notice, which period may not be less than 30 days from the date of publication of the notice.

(3) If the Minister incorporates any comment into the regulations, he or she need not publish those incorporated comments as contemplated in subsection (2) before making the regulations.

(4) The power conferred to make regulations includes the power to incorporate into any regulation so made any standard publication contemplated in subsection (6) or any part of that standard publication without stating the text of that standard publication, by mere reference to the number, title and year of issue of that standard publication or any other particulars by which it is sufficiently identified.

(5) Any provision of a standard publication incorporated into regulations under subsection (4) is, for the purposes of this Act, in so far as it is not inconsistent with the regulations made in terms of this Act, considered to be a regulation issued in terms of this Act.

(6) Regulations incorporating any standard publication under subsection (4) must state the place at and times during which a copy of the standard publication is available for inspection.

(7) For the purposes of subsection (4) “standard publication” means a document in the nature of a standard established and approved by the NSI or by a body recognised by the NSI in writing for that purpose, which standard provides, for common and repeated use, the rules, guidelines or characteristics for activities, or their results, aimed at the achievement of the optimum degree of order in a given context.

### **Amendment of laws**

19. The laws specified in the Schedule to this Act are amended to the extent set out in the third column of that Schedule.

### **Savings**

20. Subject to the provisions of this Act, anything done under a provision of a law amended by section 19 and which could have been done under a corresponding provision of this Act, is deemed to have been done under such corresponding provision of this Act and remains valid after the commencement of this Act.

### **Transitional provision**

21. The Minister may, by notice in the *Gazette*, relax any requirement in terms of this Act for a transitional period of two years, to facilitate the orderly implementation of this Act.

### **Act binds State**

22. This Act binds all government institutions and any person in the service of the State, but the Minister may, by notice in the *Gazette*, exempt any government institution or any such person from any provision of this Act, subject to such conditions as the Minister may determine.

#### Short title and commencement

23. This Act is called the Vehicle Mass Act, 2023 and commences on the date determined by the Minister by notice in the *Gazette* and different dates may be so determined in relation to different sections or subsections of this Act.

#### SCHEDULE

Column 1	Column 2	Column 3
No. and year of law	Short title	Extent of repeal or amendment
Act No. 22 of 1999	Road Traffic and Transport Act, 1999	<p>The amendment of section 14 by the substitution for paragraph (d) in subsection (1) of the following paragraph:</p> <p>“(d) <u>the dimensions of, the load on, or the mass, axle mass or axle unit mass of any vehicle, or the mass of any combination of two or more vehicles coupled together, laden or unladen, and require such vehicle or combination of vehicles to be taken to a designated place for the purposes of ascertaining such mass by means of a weighing device, and if the mass so ascertained exceeds the mass allowed in terms of this Act, prohibit the operation of such vehicle or combination of vehicles on a public road until such mass has been reduced or adjusted to comply with the provisions of the Vehicle Mass Act, 2023, but where the load on a vehicle includes any dangerous goods, the reduction and handling of the mass shall be undertaken in accordance with the requirements of any law relating to such goods;</u>”.</p> <p>The amendment of section 64 by the substitution for paragraphs (a) and (e) of the following paragraphs:</p> <p>“(a) <u>exercise proper control over the driver of such motor vehicle to ensure the compliance by such driver with the relevant provisions of this Act, and the Vehicle Mass Act, 2023;</u>”; and</p>

		<p>“(e) <u>take all reasonable measures to ensure that such motor vehicle is used on a public road in compliance with the requirements relating to the loading and transportation of goods as prescribed in terms of this Act and the Vehicle Mass Act, 2023.</u>”.</p> <p>The amendment of section 91 by the substitution for subparagraphs (iv) and (xii) of subsection (2) of the following subparagraphs</p> <p>“(iv) <u>the height and width of any load which may be carried by any vehicle, the manner of loading of any vehicle, the extent to which any load may project in any direction when such vehicle is operated on a public road;</u>”; and</p> <p>“(xii) <u>the operation and control of vehicles on public roads, their construction, equipment, width of tracks, dimensions, and use in respect of chassis and body and the conditions on which they may be used;</u>”.</p> <p>The amendment of section 91 by the repeal of paragraph (xiv) of subsection (2).</p> <p>The amendment of section 99 by the substitution for the introductory sentence of the following introductory sentence:</p> <p>“(1) The Minister may, subject to <u>the Vehicle Mass Act, 2023</u> and such conditions and on payment of such fees or charges as the Minister may determine, authorise in writing, either generally or specifically -”</p> <p>The amendment of section 107 by the substitution for subsection (2) of the following subsection:</p> <p>“(2) A road transport inspector may seize a vehicle, or a vehicle with its load, which is used in or is on reasonable grounds believed to be used in the commission of -</p> <p>(a) <u>an offence by virtue of the provisions of section 60, 70(1), (3), (4) or (5), 71(1), (2) or (3) or 99(2) or any regulation made under section 91(2) (iv), (xii), or (xx); or</u></p> <p>(b) <u>a violation by virtue of the provisions of the Vehicle Mass Act, 2023.</u>”.</p>
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Act No. 18 of 1999	Road Fund Administration Act, 1999	The amendment of section 16 by the substitution for paragraph (j) of subsection (1) of the following paragraph:  “(i) any fines <u>or fees</u> imposed in respect of any contravention of, or failure to comply with, any provision of a law relating to the overloading of vehicles; and”.
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