



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 15

NELSPRUIT, 25 JANUARY 2008
JANUARIE

No. 1499

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GENERAL NOTICE

NOTICE 27 OF 2008**DEPARTMENT OF ROADS AND TRANSPORT**
**MPUMALANGA ROAD TRAFFIC ACT, 1998
(ACT NO. 4 OF 1998)**
MPUMALANGA PROVINCIAL ROAD TRAFFIC REGULATIONS, 2007

I, David Dabede Mabuza, Member of the Executive Council responsible for Roads and Transport hereby, in terms of section 25 of the Mpumalanga Road Traffic Act, 1998 (Act No. 4 of 1998), make the Regulations in the Schedule.

SCHEDULE**Definitions**

1. In these Regulations, unless the context indicates otherwise -

“**the Act**” means the Road Traffic Act, 1989 (Act No. 29 of 1989);

“**the National Act**” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**the national regulations**” means regulations enacted under the National Act; and

“**the Road Traffic Act**” means the Mpumalanga Road Traffic Act, 1998 (Act No. 4 of 1998) .

Fees charged

2. (1) The fees charged in terms of the National Act and the Road Traffic Act, other than the fees referred to in subregulation (2), shall be as indicated in Schedules 1 and 2 hereto.

(2) The fees charged in terms of section 81 of the National Act for a permit for abnormal vehicles and the transportation of abnormal loads shall be as indicated in Schedule 3 hereto.

Apportionment of fees

3. (1) For the purpose of this Regulation, the expression –

(a) “**appropriate registering authority**” means an appropriate registering authority as defined in the national regulations;

- (b) **“centre”** means a driving licence testing centre referred to in the national regulations;
 - (c) **“Department”** means Department of Local Government, Traffic Control and Traffic Safety: Mpumalanga Province;
 - (d) **“Head of Department”** means the Head of Department of Department of Local Government, Traffic Control and Traffic Safety: Mpumalanga Province;
 - (e) **“municipality”** means a municipality referred to in section 155 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996); and
 - (f) **“Road Traffic Acts”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996) and the Mpumalanga Road Traffic Act, 1998 (Act No. 4 of 1998).
- (2) A registering authority collecting fees in terms of the provisions of the Road Traffic Acts
- (a) Must pay the fees into the Paymaster General Account for credit of the Provincial Revenue Fund not later than the 21st day of the month following the month in which such fees were collected irrespective of whether that day is a Saturday, Sunday or public holiday; and
 - (b) If not paid within the period referred to in Regulation 2(a), is subject to an interest charge at the rate determined by the Minister in terms of section 80 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), calculated from the first day of the month in which the fees are payable up to and including the day preceding the actual payment. Such interest must be recovered from the municipality concerned.
- (3) A registering authority must compile a reconciliation of the fees collected per calendar month in the form as determined by the Head of Department and forward it to the Department not later than the seventh (7th) day of the month following every month in which fees were collected.
- (4)
- (a) A registering authority must receive a refund of 100% on fees collected under items 1,2,3,6,7,9(a), 11,13,15,16,18, 19, 20, 22(b), 23, 24 and 32 of Schedule 1 and item 5 of Schedule 2 to these Regulations;
 - (b) A registering authority must receive a refund of 56,52% on fees collected under items 4 and 9(b) of Schedule 1 to these Regulations;
 - (c) R50 of the fee provided for in items 4 and 9(b) of Schedule 1 to these regulations and collected by a registering authority must be paid by the Province to the Card Production Facility referred to in regulation 100 of the National Regulations; and
 - (d) The municipality which is the appropriate registering authority must be refunded at a rate of 15% of the fee provided for in item 23 of Schedule 1 to these Regulations.
- (5) The fees provided for in items 1, 2 and 3 of Schedule 2 to these regulations, and which are collected by an appropriate registering authority must be refunded to the municipality which is such appropriate registering authority, at a rate of -
- (a) 20% of such fees while the appropriate registering authority is registered as a grade A or B centre and a grade A or B testing station;

- (b) 18% of such fees while the appropriate registering authority is registered as a grade A or B centre or a grade A or B testing station;
- (c) 17% of such fees while the appropriate registering authority is registered as any grade centre or testing station other than those referred to in Regulation 3(5) (a) or (b); or
- (d) 16% of such fees while the appropriate registering authority is not registered as a centre and testing station.

(6) The fees provided for in item 4 of Schedule 2 to these Regulations and which are collected by an appropriate registering authority, must be refunded to the municipality which is such appropriate registering authority at a rate of -

- (a) 80% of such fees while the appropriate registering authority is registered as a grade A or B centre and a grade A or B testing station;
- (b) 70% of such fees while the appropriate registering authority is registered as a grade A or B centre or a grade A or B testing station;
- (c) 65% of such fees while the appropriate registering authority is registered as any grade centre or testing station other than those referred to in Regulation 3(6) (a) or (b); or
- (d) 60 % of such fees while the appropriate registering authority is not registered as a centre and testing station.

(7) For the purpose of sub regulations (5) and (6) the registration of a centre or testing station, must be deemed -

- (a) Effective from the first day of the month following the date of registration of such centre or testing station; and
 - (b) Terminated from the first day of the month following the date of suspension or cancellation of the registration of such centre or testing station.
- (8) (a) Notwithstanding the provisions of sub regulations (2) to (7), a municipality is not entitled to any part of the fees of which the MEC has authorised a refund to a person of any fees and penalties which were charged in terms of the Road Traffic Acts; and
- (b) That portion of the fees paid or refunded in terms of sub regulation (8)(a), which is included in the apportionment envisaged in this Regulation, must be recovered from the municipality.

Short title and commencement

4. These Regulations are called the Mpumalanga Road Traffic Regulations, 2001 and come into operation on publication of the Regulations.
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