

Lesotho

## Road Traffic Act, 1981

Act 8 of 1981

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# Lesotho

## Road Traffic Act, 1981

### Act 8 of 1981

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#### Commenced

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## ACT

**To consolidate and amend the law relating to registration and licensing of motor vehicles, the issue of driving licences, the use of vehicles on public road and the regulation of traffic; and for connected purposes.**

Enacted by the Assembly.

### Chapter I Preliminary

#### 1. Short title and commencement

This Act may be cited as the Road Traffic Act 1981, and shall come into operation on such date as the Minister may by notice in the *Gazette* appoint and different dates may be so appointed for different provisions of this Act.

#### 2. Interpretation

In this Act—

"**bridge**" includes a culvet and a cause-way;

"**built-up area**" means an area with entries and exits specially sign-posted as such or an area declared by the Minister by notice published in the *Gazette*, to be a built-up area;

"**bus**" means a motor vehicle designed or adapted solely or principally for the conveyance of passengers and having more than eight seats in addition to the driver's seat;

"**carriageway**" means the part of the road normally used by vehicular traffic;

"**combination of motor vehicles**" means two or more vehicles coupled together, one of which is a motor vehicle;

"**commercial vehicle**" means a motor vehicle or a combination of motor vehicles designed or adapted solely or principally for the carriage of goods or burdens of any description in connection with any trade, business or agriculture, and includes a truck-tractor but does not include any type or class of motor vehicle which the Minister may, by notice in the *Gazette* declare not to be commercial vehicle for the purpose of this Act;

"**Convention**" means the United Nation Convention on Road Traffic (Vienna 1968);

"**cross**" means to move on a public road in a direction which would intersect the normal course of travel or traffic on such road;

"**direction indicator**" means a device fitted to a motor vehicle for the purpose of enabling the driver of such motor vehicle to intimate his intention to change the direction of travel of such motor vehicle to the right or to the left;

"**driver**" means a person who drives or attempts to drive any motor vehicle, or any pedal cycle, or who guides any draught, pack or saddle animal or herd or flock of animals;

"**driving light**" means the vehicle light used to illuminate the road over a long distance ahead of the vehicle;

"**goods**" means any movable property;

"**gross axle weight**" in relation to a motor vehicle or a trailer or a combination of motor vehicles means the maximum weight load of such vehicle or combination of motor vehicles and its load as specified by the manufacturer or, in the absence of such specification, as determined by the Traffic Commissioner;

"**international driving licence**" means an international driving licence issued pursuant to the Convention or recognised thereunder;

"**intersection**" means the area embraced within the prolongation of the lateral boundary lines of two or more public roads, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

"**invalid carriage**" means a motor vehicle specially designed or adapted for the use of persons suffering from some physical defect or disability;

"**left**" means left reckoned by reference to the direction in or towards which the vehicle, animal or person is proceeding or facing at the material time;

"**licensing officer**" means an officer designated by the Traffic Commissioner under [section 3](#);

"**light commercial vehicle**" means a commercial vehicle having a permissible maximum weight not exceeding 3 500 kg;

"**medical practitioner**" means a person registered as such under the law relating to medical practitioners;

"**moped**" means a two-wheeled vehicle, fitted with an internal combustion engine and having a cylinder capacity not exceeding 50cc and a maximum design speed not exceeding 50 km per hour;

"**motor car**" means a motor vehicle, other than a motor cycle or motor tricycle, designed or adapted solely or principally for the conveyance of persons, and having not more than eight seats, in addition to the driver's seat;

"**motor cycle**" means any two-wheeled vehicle other than moped with or without a side-car or a three wheeled vehicle whose unladen weight does not exceed 400 kg which is equipped with a propelling engine;

"**motor dealer**" means any person who—

- (a) is engaged in the business of buying, selling, exchanging, offering or exposing for sale any vehicle; or exchange any vehicle; and
- (b) holds a licence issued under the law regulating trading activities;

"**motor vehicle**" means any vehicle self-propelled by mechanical or electrical power but excluding any vehicle running on a specially prepared way such as a railway and such other vehicles as the Minister may, from time to time by notice in the *Gazette*, declare not to be a motor vehicle for the purpose of this Act;

"**operate on a public road**" in relation to a vehicle means to use or drive a vehicle or to permit a vehicle to be on a public road;

"**owner**" in relation to a vehicle includes a joint owner of a vehicle and when a vehicle is the subject of a hire purchase agreement, includes the person in possession of the vehicle under that agreement;



"**park**" means to keep a vehicle, whether occupied or not, stationary for any reason other than the need to avoid interference with another road user or collision with an obstruction, and of the period during which the vehicle is stationary is not limited to the time needed to pick up or set down persons or goods;

"**passing light**" means the vehicle light used to illuminate the road ahead of the vehicle without causing undue dazzle or inconvenience to oncoming drivers and other road users;

"**pedal cycle**" means any bicycle or tricycle designed solely for propulsion by means of human power;

"**pedestrian crossing**" means

- (a) that portion of a public road at an inter-section included within the prolongation or connection of the kerb line and adjacent boundary line of such road whether such portion is market or not; or
- (b) any other portion of a public road defined as pedestrian crossing by appropriate road traffic signs;

"**prescribed territory**" means—

- (a) Botswana, the Republic of South Africa, Namibia, Angola, Malawi, Zambia, Zimbabwe, Mozambique and Swaziland; or
- (b) any other territory declared by the Minister by notice in the *Gazette* to be a prescribed territory;

"**public motor vehicle**" means any motor vehicle used for the conveyance of passengers or goods or both, for hire or reward, or plying for hire, and a motor vehicle hired out without a driver by a person in the course of his business of hiring out motor vehicles but does not include—

- (a) a goods vehicle, the carrying capacity of which does not exceed 1000 kg;
- (b) a government vehicle used for government purposes;
- (c) a vehicle used for the purposes of funerals;
- (d) a vehicle used for towing a disabled vehicle or for removing goods from a disabled vehicle to a place of safety;
- (e) a vehicle equipped and used solely for fire fighting purposes;
- (f) a vehicle equipped and used solely as an ambulance;
- (g) a vehicle used under and in accordance with the terms and conditions of a motor dealer's licence under this Act;
- (h) a motor vehicle owned by a local authority and which is not a bus;
- (i) a motor vehicle which is used for the conveyance of school children and which is not a bus; and
- (j) any other class of motor vehicle which the Minister may by notice in the *Gazette* exempt from this Act;

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or a section thereof or to which the public or a section thereof have a right of access and includes—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry, ford or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or thing forming part of or connected with or belonging to such road, street or thoroughfare;

"**registration number**" means the number allocated to a vehicle registered under [section 8](#);

"**roadworthy**" in relation to a vehicle means a vehicle which complies with the appropriate provisions of this Act and is otherwise in a fit condition to be operated on a public road;

"**semi trailer**" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that substantial part of its weight and of the weight of its load is borne by the motor vehicle;

"**sidewalk**" means that portion of a verge intended for the exclusive use of pedestrian;

"**tare**" in relation to a motor vehicle, or a trailer means the weight of such vehicle without the crew, passengers or load ready to travel on a road and includes the weight of—

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for that particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything affixed to such vehicle so as to form a structural alteration of a permanent nature;
- (d) full standard supply of fuel; and
- (e) the accumulators, if such vehicle is self-propelled by electrical power;

"**tractor**" means a motor vehicle designed or adapted for drawing other vehicles and not to carry any load thereon either independently or as a part of the weight of a vehicle or load so drawn;

"**Traffic Commissioner**" means the Traffic Commissioner appointed under [section 3](#);

"**traffic lane**" means any one of the longitudinal strips into which the carriageway is divisible, whether or not defined by longitudinal road markings, which is wide enough for one moving line of motor vehicles other than motor cycles;

"**truck tractor**" means a motor vehicle designed or adapted—

- (a) for drawing other vehicles, and
- (b) not to carry any load other than that imposed by a semitrailer or by ballast, but does not include a tractor;

"**vehicle**" means a device designed or adapted principally to travel on wheels or crawler tracks but does not include any device (other than a tram-car) moving exclusively on rails;

"**verge**" means that portion of a road, street or thoroughfare which is not carriageway;

### 3. Appointment of officers

- (1) The Minister shall, subject to the law relating to the public service, by notice in the *Gazette*, appoint—
  - (a) a Traffic Commissioner, who shall be the registering authority and responsible for the registration and licensing of motor vehicles and trailers, for licensing of drivers and keeping of such records in relation thereto as are required by this Act;
  - (b) such motor vehicle examiners and driving test examiners as are necessary for carrying out the purpose of this Act;
- (2) The Traffic Commissioner shall designate such licensing officers as may be necessary for carrying out the purposes of this Act.

### 4. Classification of motor vehicles

For the purposes of this Act, motor vehicles shall be divided into the following classes—

- (a) motor cycles;

- (b) light vehicles—
  - (i) motor cars;
  - (ii) light commercial vehicles;
- (c) heavy commercial vehicles;
- (d) buses;
- (e) combination of motor vehicles of which the drawing vehicle is in one of the classes (b) to (d) inclusive but which are not themselves in that class;
- (f) tractors;
- (g) mopeds;
- (h) invalid carriage; and
- (i) special types of motor vehicles as may be specially authorized by the Traffic Commissioner.

## Chapter II Registration of vehicles

### 5. Records of vehicles

- (1) The Traffic Commissioner shall keep records of all motor vehicles and trailers registered in Lesotho, and shall cause every licensing officer to keep records of all vehicles registered by him.
- (2) Motor vehicle records mentioned in [section 5](#) (1) shall be open for inspection by any police officer, and where necessary the Minister may authorise any other person to inspect and obtain a copy thereto without any payment of fees.

### 6. Motor vehicle and trailers to be registered

- (1) No person shall own, possess or use a motor vehicle or trailer unless such motor vehicle or trailer is registered in Lesotho under this Act.

Provided that this subsection shall not apply in the case of:

- (i) an unregistered motor vehicle or trailers owned by and in the possession of a motor dealer for the purposes of sale;
  - (ii) a vehicle which is lawfully used under the authority of and in accordance with the conditions of a motor dealer's licence issued under [section 25](#);
  - (iii) a motor vehicle or trailer which is being driven to or from any place specified by a licensing officer under a special permit issued by the licensing officer in the prescribed form for inspection or testing;
  - (iv) a motor vehicle or trailer lawfully brought into Lesotho pursuant to subsection 3; or
  - (v) a motor vehicle or trailer which the Minister by a notice in the *Gazette* has exempted from this subsection.
- (2) A person who contravenes this section is guilty of an offence.
  - (3) A motor vehicle or trailer registered in a prescribed territory or in accordance with the law of a contracting state to the Convention shall be deemed to be temporarily registered in Lesotho for a continuous period of 1 year until the registration ceases to be in force in such prescribed territory:

Provided that if the owner of such motor vehicle or trailer takes up permanent residence in Lesotho or if such vehicle is ordinary kept in a garage in Lesotho, he shall register such motor vehicle within 21 days pursuant to this Act.

- (4) The owner of unregistered motor vehicle or trailer shall be liable in respect of the registration thereof:—
  - (a) on the date he acquires the ownership thereof, if such ownership is acquired in Lesotho;
  - (b) on the date such vehicle is brought into Lesotho if the ownership thereof was acquired outside Lesotho;
  - (c) in a case of a motor vehicle built on a chassis or otherwise assembled from parts on the date of completion of such motor vehicle;
  - (d) on the date of withdrawal of any exemption from registration granted pursuant to this Act;
  - (e) in circumstances not herein included, on such date as the Minister may prescribe.
- (5) The owner of a motor vehicle or trailer deemed to be registered under subsection (2) shall be liable on the date such registration lapses.
- (6) Where the circumstances in subsection (3) prevail, any owner who fails to comply is guilty of an offence and liable to M2 000 and 2 years imprisonment.

## 7. Application for registration

- (1) For the purposes of registering a motor vehicle or a trailer, an owner shall within 21 days or within such period as may be specially provided, apply on a prescribed form to the registering authority for the registration of such motor vehicle or trailer.
- (2) An application for registration of a motor vehicle or trailer shall be accompanied by:—
  - (a) the prescribed fee unless the owner of such motor vehicle or trailer has been exempted from payment of such fee;
  - (b) in the case of a new motor vehicle or trailer ownership of which has been acquired in Lesotho or any prescribed territory;
    - (i) the bill of sale or other document evidencing transfer of the motor vehicle or trailer by a motor dealer;
    - (ii) a certificate from the Police of the place where the motor vehicle or trailer has been acquired to the effect that the motor dealer is known to them and Licensed as such;
    - (iii) a certificate from the licensing authority of the place where the motor vehicle or trailer has been acquired to the effect that the motor dealer holds a motor dealer's licence and that the licence under which the motor vehicle or trailer has been acquired is that of motor dealer;
  - (c) in the case of a second-hand motor vehicle or trailer ownership of which is acquired in Lesotho or in a prescribed territory;
    - (i) the previous registration certificate;
    - (ii) a certificate from the registering authority of the place where the motor vehicle or trailer is acquired to the effect that:—
      - (aa) the previous registration certificate was issued by that authority;
      - (bb) the motor vehicle or trailer to which the registration certificate relates is registered in the name of the person from whom the vehicle is acquired; and

- (cc) that person has given to the registering authority notice of transfer of ownership to the person acquiring the vehicle;
- (iii) a certificate from the police of the place where the motor vehicle or trailer is acquired that the motor vehicle or trailer is not suspected of having been unlawfully acquired.
- (d) in the cases of motor vehicles or trailers imported into Lesotho:
  - (i) a certificate from the Lesotho Mounted Police, to the effect that the motor vehicle or trailer is not suspected of having been unlawfully acquired;
  - (ii) a certificate from the Lesotho Customs Office to the effect that the motor vehicle or trailer has been cleared in accordance with the law relating to customs.
- (e) in the case of all second-hand motor vehicles or trailers a certificate in the prescribed form from a motor vehicle examiner that such motor vehicle or trailer is roadworthy.

## 8. Registration

- (1) On receipt of an application pursuant to [section 7](#), the registering authority shall, if satisfied that the application is in order, allocate a motor vehicle or trailer the prescribed registration mark and number and enter the same in his records.
- (2) The registering authority shall issue to the owner of a motor vehicle or trailer, a registration book that bears the owner's name in the prescribed form and this book, or duplicate thereof, shall be proof of the registration of the motor vehicle or trailer, the name of the registered owner, the allocation of the specified registration mark and number to the vehicle.
- (3) Registration numbers shall be allocated in consecutive order and the registering authority shall ensure that two or more motor vehicles or trailers are not allocated the same number.
- (4) Where the registration of a motor vehicle or trailer is for any reason cancelled, the number allocated to such vehicle may thereafter be allocated to another motor vehicle or trailer.
- (5) The registration book shall be in a motor vehicle to which the registration book relates whenever such motor vehicle is used on a public road, and shall be produced for inspection when so requested by a police officer or any person so authorised by the Minister.
- (6) If a registration book has been lost, destroyed or defaced, the owner of the motor vehicle or trailer shall apply in the prescribed form for a duplicate thereof, and the registering authority shall, if satisfied as to such loss, destruction or defacement, and upon payment of the prescribed fee, issue a duplicate of the registration book:

Provided that:—

- (i) the registering authority shall cancel and destroy any defaced registration book; and
  - (ii) where a registration book had been lost and subsequently found, the owner shall hand it to the registering authority for cancellation.
- (7) If the registering authority has reasonable belief that a motor vehicle or trailer in respect of which registration is sought is or may be of a type not previously registered but constructed according to different specifications, he may refuse to register the motor vehicle or trailer until plans or specifications thereof have been submitted to and approved by the registering authority.
  - (8) In the event of any change of circumstances which affects the accuracy of the registered particulars of a motor vehicle or trailer the owner thereof shall forthwith inform the licensing officer of such change, shall forward to him the registration book in order that it may be amended or cancelled, and shall supply the licensing officer with any further information that may be required.

- (9) If any registered motor vehicle or trailer is broken up, stolen, destroyed or becomes permanently unfit for use as a motor vehicle or trailer or is removed permanently from Lesotho, the licensing officer shall cancel the registration of such vehicle.

## **9. Identification mark or number**

- (1) Where—
- (a) a motor vehicle or trailer does not bear any special identification number or mark; or
  - (b) the manufacturer's serial number or mark has been obliterated or defaced;
- the Traffic Commissioner may cause to be cut, impressed or attached permanently to such motor vehicle or trailer a special identification number or mark which thereafter shall be deemed sufficient identification for the purpose of the registration of such motor vehicle or trailer.
- (2) In the circumstances referred to in subsection 1 (b) the Traffic Commissioner shall cause a full description of a motor vehicle or trailer and the name and address of the applicant to be furnished to the nearest police station.
- (3) A person who, without the written permission of the registering authority, alters, obliterates or causes the alteration, obliteration or defacement of any identification number or mark used for registration pursuant to this Chapter is guilty of an offence and liable to M2 000 and 2 years imprisonment.

## **10. Display of registration mark and registration number**

- (1) No person shall operate on a public road a motor vehicle or trailer upon which the assigned registration mark and the registration number in the prescribed form are not displayed.
- (2) A person driving or found in possession of a motor vehicle or trailer bearing registration number other than that issued by a registering authority for such vehicle is guilty of an offence and liable to M2 000 and 2 years imprisonment.
- (3) A person shall be deemed to be in possession under subsection (2) if the motor vehicle or trailer is found on premises which he occupies or on which he carries on business unless he satisfies the Court that the motor vehicle or trailer was left on his premises without his consent or knowledge.
- (4) Sections 314 and 319 of the Criminal Procedure and Evidence Act 1981 shall not apply to an offence under this section.
- (5) A court convicting a person of an offence under this section shall, unless the motor vehicle or trailer is claimed by a lawful claimant, declare the motor vehicle or trailer in respect of which the offence is committed to be forfeited to the State.
- (6) Notwithstanding subsection (5), a lawful claimant may, within 3 months from the date of the declaration of forfeiture, claim possession of the vehicle but no such claim shall be entertained after expiry of the 3 months period.

## **11. Change of ownership**

- (1) A motor vehicle or trailer the ownership of which has been transferred by the registered owner, shall not be used on a public road for more than 21 days after the date of such transfer unless the new owner is registered the owner thereof.

- (2) On changing ownership of a motor vehicle or trailer the registered owner shall within 7 days from the date of such transfer where the vehicle is registered with the registering authority in Lesotho:—
- (a) transmit to the registering authority a notice of transfer of ownership in the prescribed form, completed by the transferor and transferee, and shall deliver to the transferee, not being a motor dealer;
    - (i) a copy of the notice of transfer of ownership;
    - (ii) the registration certificate, vehicle licence and clearance certificate in respect of and in so far as they are applicable to such vehicle;
    - (iii) a certificate from the registering authority that the registration relating to the motor vehicle or trailer was issued by that authority;
    - (iv) a certificate from the Lesotho Mounted Police to the effect that the motor vehicle or trailer is not suspected of having been unlawfully acquired;
    - (v) in the case of transfer of ownership of a motor vehicle or trailer which has been registered in Lesotho for less than two years, a certificate from the Lesotho Customs Office to the effect that the motor vehicle or trailer has been cleared in accordance with the law relating to customs;
  - (b) the transferee shall thereupon, apply to the registering authority for the transfer of the registration certificate to his name upon the production of the documents referred to in (a) and upon payment of the prescribed fee to the licensing officer.
- (3) A transferor who fails to transmit notice of transfer of ownership to the registering authority pursuant to [section 11\(2\)\(a\)](#) is guilty of an offence and liable to M1 000 and 1 year imprisonment.
- (4) A transferee who fails to comply with [section 11\(2\)\(b\)](#) is guilty of an offence and liable to M1 000 and 1 year imprisonment.

## 12. Registration number retained unless transferred

- (1) The registration number allotted to a motor vehicle or trailer shall remain the registration number of that motor vehicle until such motor vehicle or trailer is permanently removed from road or from Lesotho.
- (2) Notwithstanding subsection (1), the owner of a motor vehicle or trailer may on the payment of the prescribed fee obtain the transfer of a registration number of a motor vehicle or trailer registered in his name to a motor vehicle or trailer newly acquired by him, and for that purpose he shall be required to surrender the registration certificate of the first mentioned vehicle, transfer the registration number to the new vehicle and pay the appropriate licence fee.

## 13. Certificate of road worthiness

A registering authority shall register a second hand motor vehicle or trailer only upon presentation of a valid certificate of road worthiness in respect of such vehicle:

- (a) in the case of change of ownership;
- (b) in the case when an application for registration is made in the third year after the manufacture of the vehicle or thereafter.

## 14. Obtaining registration through false information

- (1) A person who, for the purpose of obtaining the registration and licensing of a motor vehicle or trailer makes use of or produces any document which is false or furnishes any false information is guilty of an offence and liable to M2 000 and 2 years imprisonment.

- (2) A police officer may seize any motor vehicle or trailer the registration of which was at any time obtained through the use or production of a false document or the furnishing of false information and if no claim is made vis a vis the vehicle within 3 months of such seizure, the vehicle shall be forfeited to the state.
- (3) For the purpose of subsection (2) a person who receives ownership of a motor vehicle or trailer from a person who obtained registration of such vehicle shall not be deemed a lawful claimant.

### **15. Use and seizure of vehicle with tampered identification marks**

- (1) A person driving, or found in possession of a motor vehicle or trailer the chassis or engine number or other identification mark of which has been obliterated or tampered with otherwise than by a registering authority under [section 9](#) is, unless he proves to the court that:—
  - (a) in the case of a motor vehicle or trailer purchased from outside Lesotho, that such obliteration or tampering was done by a lawful authority of the place where the vehicle was purchased;
  - (b) that he did not know or could not have known that the number had been tampered with is guilty of an offence and liable to M2 000 and 2 years imprisonment.
- (2) On conviction under this section, [sections 10 \(5\)](#) and [10 \(6\)](#) shall apply.

### **16. Registration of a motor vehicle owned by the State or a diplomat**

- (1) In lieu of registering a motor vehicle with the registering authority;
    - (a) The Minister may direct any public officer to effect the registration of any motor vehicle or trailer owned by the Government and for that purpose the officer shall allot, as a registration mark, a letter or combination of letters approved by the Minister together with a number to be borne by any such vehicle;

Provided that in the case of any such motor vehicle or trailer used by the King an emblem embodying the coat-of-arms of Lesotho and the letters M.K. shall be deemed to be a registration mark and number;
    - (b) The Ministry of Foreign Affairs may register any motor vehicle or trailer;
      - (i) owned by a foreign government and used by its diplomatic representative in Lesotho; or
      - (ii) owned by a person who is a diplomatic agent as defined by the Diplomatic Privileges Act 1969;
- by allotting a registration mark with letters CD and a number, to be borne by any such vehicle.

## **Chapter III Motor vehicle licence**

### **17. Motor vehicles to be licensed**

- (1) No person shall use a motor vehicle or trailer on a road, unless such motor vehicle or trailer is licensed pursuant to this Chapter:—

Provided that this section shall not apply in the case of a motor vehicle or trailer:

  - (a) lawfully used under the authority of and in accordance with the conditions of a motor dealer's licence;



- (b) lawfully used in Lesotho under [section 6](#);
  - (c) exempted by the Minister;
  - (d) which is being driven to or from any place specified by the licensing authority for inspection or testing.
- (2) Where the owner or person in possession of a motor vehicle or trailer gives written notice to the licensing officer that for a stated period he does not intend that it shall be used on a road, and it is not used on the road during such period, or where he satisfies the licensing officer that for a stated period such vehicle was not used on a road, it shall not be necessary for such motor vehicle or trailer to be licensed under this Chapter during the stated period.

## 18. Application for motor vehicle licence

Application for a motor vehicle licence shall be made to the licensing officer in the prescribed form accompanied by the prescribed fee and the motor vehicle registration book.

## 19. Conditions for issue of motor vehicle licence

- (1) The licensing officer shall not issue or renew a motor vehicle licence unless he is satisfied that:—
- (a) the vehicle is duly registered;
  - (b) the particulars in the registration book are correct;
  - (c) the vehicle is duly and validly insured pursuant to any written law relating to vehicle insurance.
- (2) In the case of a motor vehicle or a trailer which is more than 2 years old (calculated from the date of the first registration of such vehicle) and always in the case of a public motor vehicle, the licensing officer shall before issuing or renewing a motor vehicle licence, require the applicant to produce a valid certificate of roadworthiness issued under [section 20](#) or in the case of a public motor vehicle certificate of fitness issued under [section 41](#), showing that the vehicle has been examined by a motor vehicle examiner and that the vehicle complies with this Act.

## 20. Certificate of roadworthiness

- (1) Where the owner of a motor vehicle or a trailer is required to have it examined for road worthiness by a vehicle examiner he shall make an application therefor, and thereupon, a vehicle examiner shall after examining the motor vehicle or trailer, issue a certificate in the prescribed form certifying that the vehicle is roadworthy or not.
- (2) A certificate certifying that a motor vehicle or trailer is not roadworthy shall state the reasons why the vehicle examiner considers such vehicle not roadworthy.

## 21. Motor vehicle licence

- (1) Motor vehicle licence shall be issued in the prescribed form upon payment of the prescribed fee to be valid as follows:
- (a) a licence issued to commence between 1st January and 31st March in any year shall be valid until 31st December of that year;
  - (b) a licence issued to commence between 1st April and 30th June in any year shall be valid until 31st March in the following year;
  - (c) a licence issued to commence between 1st July and 30th September in any year shall be valid until 30th June in the following year;

- (d) a licence issued to commence between 1st October and 31st December in any year shall be valid until 30th September in the following year.
- (2) When a motor vehicle licence is lost, defaced, mutilated or illegible, the licensing officer shall, on being satisfied that the licence has been lost, defaced, mutilated or rendered illegible, and that the person applying on the prescribed form and paying the prescribed fee is entitled to such licence, issue a duplicate therefor to the applicant.
- (3) The holder on surrendering the motor vehicle licence to the licensing officer shall be entitled to such refund as may be prescribed.

## 22. New motor vehicle licence required in certain circumstances

- (1) The holder of a motor vehicle licence shall apply for a new motor vehicle licence where the motor vehicle or trailer has been so altered that a different fee is to be paid to the licensing officer.
- (2) A new motor vehicle licence shall not be issued under this section until the old licence has been surrendered for cancellation and the prescribed fee paid.

## 23. Licence to be displayed

A motor vehicle or trailer which is required to be licensed under this Chapter shall not be used on the road unless the motor vehicle licence or such part thereof as may be prescribed which is legible is carried on the vehicle in the prescribed manner.

## Chapter IV Motor dealer's licences

## 24. Application for motor dealer's licences

A motor dealer may apply on the prescribed form to the licensing officer for such number of motor dealer's licences as he may require for his motor dealer's business.

## 25. Issue of a motor dealer's licences

- (1) On receipt of an application for a motor dealer's licence, the licensing officer shall, if satisfied that the applicant is a *bona fide* motor dealer, issue a motor dealer's licence in the prescribed form and give a registration number for such licence.
- (2) For every motor vehicle to be operated on the road by a motor dealer, a separate licence shall be applied for and issued and a separate registration number given.
- (3) A motor dealer's licence shall be issued and regarded valid as follows:
  - (a) a licence issued to commence between 1st January and 31st March in any year shall be valid until 31st December of that year;
  - (b) a licence issued to commence between 1st April and 30th June in any year shall be valid until 31st March in the following year;
  - (c) a licence issued to commence between 1st July and 30th September in any year shall be valid until 30th June in the following year;
  - (d) a licence issued to commence between 1st October and 31st December in any year shall be valid until 30th September in the following year.

## 26. Use of a motor dealer's licence

- (1) Before a vehicle is operated on a public road under the authority of a motor dealer's licence, there shall be displayed on such vehicle registration plates and the motor dealer's licence or a part thereof in the prescribed manner.
- (2) A vehicle shall not be used on a road under the authority of a motor dealer's licence:
  - (a) to convey passengers or goods for hire or reward;
  - (b) to carry or convey any goods whatsoever except such load as may be necessary for the purpose of testing the motor vehicle or trailer, and no such load and no part thereof shall be removed from the motor vehicle or trailer at any time between the departure from and the return to the loading place of such vehicle, save in the case of accidents; or
  - (c) except with the permission in writing by the licensing officer, for any purpose other than:—
    - (i) proceeding to or returning from any inspection, examination or test as provided for by this Act;
    - (ii) proceeding from the premises of a supplier of motor vehicles or from a railway station to the premises of a motor dealer;
    - (iii) test or trial during or after completion, construction, assembly or repair;
    - (iv) test or trial by or on behalf of an intending buyer or for proceeding to or from the place where the buyer intends to keep such motor vehicle or trailer
    - (v) proceeding to or from a public weighbridge for the purpose of its weight being ascertained or to or from a place for registration;
    - (vi) importation of or exportation from Lesotho;
    - (vii) towing a motor vehicle or trailer which has broken down to a place of repair or storage;
    - (viii) proceeding to or returning from a workshop in which a body is to be or has been fitted to a motor vehicle or trailer or where such motor vehicle or trailer is to be or has been painted or repaired; or
    - (ix) proceeding to or returning from an exhibition of motor vehicles.
- (3) A vehicle shall not be used on a road under the authority of a motor dealer's licence unless the holder of such licence or a person duly authorised by him accompanies such vehicle.
- (4) Not more than two persons, in addition to the driver, shall be carried within or upon any such vehicle and such persons shall be limited to a prospective buyer and his agent, or, in the case of a vehicle proceeding to or from an accident, two mechanics.
- (5) A person who contravenes this section is guilty of an offence.

## 27. Cessation or cancellation of motor dealer's licence

- (1) A motor dealer's licence shall cease to be valid if and when the motor dealer ceases to carry on business as such.
- (2) The licensing officer may at any time cancel a motor dealer's licence for a breach of this Act.
- (3) When a motor dealer's licence ceases to be valid or is cancelled, the holder of such licence shall deliver to the licensing officer the licence and the registration plates within 21 days from such cessation or cancellation.

- (4) Any person holding a motor dealer's licence who is aggrieved by the decision of the licensing officer pursuant to this section may within 30 days from the date of the notice of cancellation, appeal to the Minister.
- (5) A person who contravenes subsections (1), (2) and (3) is guilty of an offence.

## **Chapter V**

### **Driving licences**

#### **28. Drivers to be licensed**

- (1) Except as may otherwise be provided by this Act, no person shall drive a motor vehicle of any class on a road unless he is the holder of a valid driving licence in respect of that class of motor vehicle and, in the case of a holder of a learner's licence, is accompanied by a person who is the holder of a valid driving licence in respect of that class of motor vehicle and has held such licence for not less than two years:

Provided that provisions relating to accompaniment shall not apply in the case of motor cycles.

- (2) No person who owns or is in charge of a motor vehicle of any class shall cause or permit any person to drive such motor vehicle unless such person is the holder of a valid driving licence, or is the holder of a learner's licence in respect of that class of motor vehicle and is accompanied by a person holding a valid driving licence other than a learner's licence and has held such licence for not less than two years.
- (3) No person shall be entitled to more than one driving licence issued in Lesotho but a driving licence may be validated by a licensing officer to permit the holder to drive one or more classes of motor vehicle.
- (4) Any person who contravenes this section is guilty of an offence.

#### **29. Conditions of granting of driving licences**

- (1) A licensing officer shall not grant or validate a driving licence in respect of any class of motor vehicle unless the applicant:—
  - (a)
    - (i) produces to the licensing officer a certificate of competency showing that the applicant has passed a test of competence to drive that class of motor vehicle;
    - (ii) produces a valid driving licence for that class of motor vehicle granted by a competent authority in Lesotho; or
    - (iii) produces a valid international or foreign domestic driving licence for that class of motor vehicle issued while the holder of such licence was not permanently resident in Lesotho but in a country which is a party to the 1949 or 1968 Convention; or
    - (vi) produces a valid driving licence for that class of motor vehicle issued in any other prescribed country;

*[Please note: numbering as in original.]*
  - (b) on payment of the prescribed fee, submits an application in the prescribed form including a declaration:—
    - (i) as to whether or not he is suffering from any such disease or disability as may be specified in the form, or any other disease or disability which is likely to cause his driving a source of danger to the public; and
    - (ii) stating his age at the date of the application;

- (c) in connection with a learner's licence, produces a certificate from a medical practitioner that he is physically fit to drive that class of motor vehicle in question.
- (2) If there is reason to believe that an applicant for a driving licence or the renewal thereto, other than a holder of a learner's licence, is suffering from a disease or disability likely to cause the driving by him to be dangerous, the licensing officer may refuse to grant such application unless the applicant;
  - (a) produces a certificate from a medical practitioner, stating that the applicant is fit to drive the class or classes of motor vehicle in question; and
  - (b) undergoes and passes a driving test.

### 30. Learner's licence

- (1) Notwithstanding [section 29](#) (1), a licensing officer may issue to an applicant for a driving licence or for the validation of a driving licence in respect of any class or classes of motor vehicle, a learner's licence in order that the applicant may learn to drive such class or classes of vehicles.
- (2) A holder of a learner's licence shall not drive at a speed exceeding 50 kilometres per hour.
- (3) A learner's licence shall be valid for 3 months only and may be issued subject to such conditions as may be prescribed.
- (4) A person who contravenes subsection (2) is guilty of an offence.

### 31. Age limits for granting a driving licence

A driving licence shall not be issued to any person:

- (a) under the age of 16;
- (b) of the age of 16 and over but under the age of 18, except in respect of mopeds;
- (c) in respect of a bus or heavy commercial vehicle unless he:
  - (i) is over 21 years and
  - (ii) has held for not less than 2 years a driving licence validated in respect of a motor vehicle.

### 32. Driving schools

- (1) No person shall establish or operate a driving school unless he has obtained a permit to do so from the Traffic Commissioner and holds a licence under the law relating to trading activities.
- (2) An applicant for a driving school permit shall submit his application in the prescribed form and upon payment of the prescribed fee to the licensing officer, for onward transmission to the Traffic Commissioner.
- (3) If the Traffic Commissioner is satisfied that the applicant for a driving school is qualified, has no previous convictions and has adequate facilities for that purpose he shall, upon payment of the prescribed fee, issue him a permit.
- (4) A permit for a driving school shall be valid for 1 year from the date of its issue.
- (5) A person who contravenes subsection (1) is guilty of an offence.

### 33. Driving instructors

- (1) No person shall for reward, instruct or supervise another person in the driving of a motor vehicle on a public road unless such person holds a valid instructor's certificate issued to him by the Traffic Commissioner.

- (2) A person desiring to obtain an instructor's certificate shall apply to the Traffic Commissioner in the prescribed form.
- (3) The Traffic Commissioner may require an applicant for an instructor's certificate to submit himself to:
  - (a) an examination and a test by a competent person nominated by the Traffic Commissioner in order to determine the competence of such applicant to act as an instructor of drivers or learner drivers; and
  - (b) a medical examination by a medical practitioner, to determine the physical and mental fitness of such applicant.
- (4) The applicant shall bear the costs of the medical examination carried out in the terms of subsection (3) (b) and shall pay the fee for an examination for an instructor's certificate.
- (5) The Traffic Commissioner shall, if satisfied that an applicant referred to in subsection (3) is competent, fit and proper person to act as an instructor or drivers and learner drivers, issue upon payment of the prescribed fee, an instructor's certificate in the prescribed form to such applicant.
- (6) An instructor's certificate shall be valid for one year from the date of its issue.
- (7) A person who contravenes subsection (1) is guilty of an offence.

#### **34. Driving test**

- (1) Driving tests for the purpose of this Act shall be conducted by driving test examiners.
- (2) Driving tests shall be carried out in the prescribed manner upon payment of the prescribed fee and shall in any case include a test of the applicant's:
  - (a) knowledge of the rules of the road;
  - (b) knowledge of traffic signs and signals;
  - (c) ability to drive a motor vehicle of the class to which the application relates;
  - (d) fitness to drive a motor vehicle of the class for which the licence is required;
  - (e) eyesight.

#### **35. Issue of driving licence**

- (1) Driving licence shall be in the prescribed form, and there shall be affixed to each licence a passport size photograph of the licence holder, which shall be impressed with the official stamp of the licensing officer.
- (2) The signature of the licence holder shall also be affixed to the licence.
- (3) A driving licence issued to any person suffering from any disease or disability pursuant to [section 29](#), shall be issued only with the written permission of the Traffic Commissioner and shall be subject to such restrictions and conditions as may be determined by the Traffic Commissioner and, such restrictions and conditions shall be entered on the licence.

#### **36. Driving licence issued in other countries**

- (1) Subject to subsection (2):
  - (a) a valid international or foreign domestic driving licence issued while the holder of such licence was not permanently resident in Lesotho, but resident in a country which is a party to the 1949 Geneva Convention or 1968 Vienna Convention; or

- (b) a valid driving licence issued in a prescribed country when the holder of such licence was not permanently resident in Lesotho.

shall, in respect of the class of motor vehicle to which such licence relates and subject to the terms and conditions thereto, be deemed to be a licence under this Chapter.

- (2) Where a holder of an international driving licence extends his stay in Lesotho after the expiration of such licence or a holder of any other licence referred to in subsection (1) extends his stay in Lesotho for more than 6 months, such licence shall be deemed not to be valid under this Chapter.

### **37. Production of driving licence on demand**

- (1) Every person driving a motor vehicle on a road shall carry his driving licence or learner's licence and, if required by a police officer, produce it for examination.
- (2) A person who contravenes this section is guilty of an offence.

### **38. Suspension or cancellation of driving licence**

- (1) Where the holder of a learner's or driver's licence is disqualified from holding such licence the Minister with the advice of the Traffic Commissioner shall cancel such licence.
- (2) Where the holder of a learner's or driver's licence would be a source of danger to the public whilst operating on a public road, the Minister may suspend or cancel any such licence or in the case of an international driving licence enter in the space provided for the purpose an endorsement to the effect that the licence is not valid in Lesotho.
- (3) The Minister shall suspend a driving licence pending the outcome of a court decision where the holder of such licence may be prosecuted:
  - (a) on the grounds that while driving a motor vehicle, he has caused the death of another person;
  - (b) on the grounds that he has driven a motor vehicle when under the influence of intoxicating beverages or drugs; or
  - (c) on the grounds that he has left the scene of accident in which any other person was killed or injured, without rendering assistance in accordance with [Section 88](#).
- (4) For the purposes of subsections (2) and (3), a warrant officer may temporarily confiscate a learner's or driver's licence or an international driver's licence:

Provided that such licence shall forthwith be submitted together with the warrant officer's report, to the Traffic Commissioner who shall forward the same to the Minister for decision.
- (5) The Minister may request the holders of licences referred to in subsections (1), (2) and (3) to submit themselves within such period as the Minister may determine:
  - (a) to an examination and a test by one or more examiners nominated by the Minister as to such holder's competence to drive and control a motor vehicle of the class to which his licence relates;
  - (b) to an examination by a medical practitioner nominated by the Minister as to the holder's physical and mental fitness to drive a motor vehicle; or
  - (c) to both such examinations and test.
- (6) If any person fails to comply with the request pursuant to subsection (5) without a valid excuse, the Minister may forthwith suspend or cancel the licence concerned.

## **Chapter VI**

### **Public motor vehicles**

#### **39. Certificate of fitness required**

- (1) No person shall operate a public motor vehicle on a public road unless such motor vehicle has certificate of fitness issued by the vehicle examiner and certifying that such vehicle is roadworthy.
- (2) A person who contravenes this section is guilty of an offence.

#### **40. Examination for certificate of fitness**

- (1) A person desirous of operating a public motor vehicle on a public road shall submit his application in the prescribed form, accompanied by the prescribed fee, to a vehicle examiner.
- (2) A vehicle examiner shall determine the time and place at which the motor vehicle referred to in subsection (1) shall be provided to him for examination and test.

#### **41. Issue of certificate of fitness**

- (1) If the vehicle examiner is satisfied that the public motor vehicle brought for a test is fit and roadworthy, he shall issue the holder of such motor vehicle a certificate of fitness in the prescribed form upon the payment of the prescribed fee.
- (2) Where the vehicle examiner is not satisfied as required by subsection (1), he may allow the applicant, within 14 days from the date of examination, to remedy any defect in such motor vehicle for another test.
- (3) A certificate of fitness shall be issued to be valid:
  - (a) in the case of a public motor vehicle used solely for the conveyance of goods, for a period of 12 months and
  - (b) in other cases, for a period of 6 months.

#### **42. Effect of alteration of a public motor vehicle on certificate of fitness**

- (1) Subject to subsection (3), a certificate of fitness in respect of a public motor vehicle shall become null and void where such motor vehicle is altered in such manner that the certificate of fitness no longer correctly describes such motor vehicle, or the terms and conditions under which such certificate was issued.
- (2) Where the certificate of fitness becomes null and void in terms of subsection (1) the holder of such certificate shall surrender it to a vehicle examiner within 7 days.
- (3) This section shall not apply to a public motor vehicle where the engine is only replaced, but the owner of such motor vehicle shall within 21 days of such replacement submit to the vehicle examiner, the certificate of fitness for the alteration of such certificate.
- (4) A person who contravenes subsection (2) is guilty of an offence.

#### **43. Suspension or cancellation of certificate of fitness**

Where a holder of a certificate of fitness for a public motor vehicle has been convicted of a second or subsequent offence which, in the opinion of the Traffic Commissioner, relates to a public motor vehicle or to such certificate, the Traffic Commissioner may suspend for such period as he may determine or cancel the certificate of fitness held by such holder and such holder shall forthwith surrender the certificate of fitness to the Traffic Commissioner.



#### 44. Permit required by driver of public motor vehicle

- (1) No person shall drive a public motor vehicle on a public road without strict adherence to the conditions of a public driving permit issued to him in the prescribed form.
- (2) Any document issued by a competent authority in a prescribed territory and serving a similar purpose to that of a public driving permit shall be deemed to be a public driving permit in Lesotho.
- (3) A driver of a public motor vehicle shall carry with him his public driving permit at all times when he is driving a public motor vehicle on a public road.
- (4) A person who contravenes subsections (1) and (3) is guilty of an offence.

#### 45. Conditions for any issue of public driving permit

- (1) A person desirous of obtaining a public driving permit shall submit his application therefor in the prescribed form, accompanied by the prescribed fee, to the licensing officer.
- (2) The licensing officer shall issue the applicant a public driving permit if he is satisfied; that the applicant:—
  - (a) is in possession of a valid driving licence authorising him to drive that class of motor vehicle which he will drive as a public motor vehicle;
  - (b) has successfully passed the prescribed examination, showing that he is competent to handle and drive a public motor vehicle;
  - (c) is of good character and has not been convicted of driving a motor vehicle while under the influence of intoxicating beverages or drugs having narcotic effect or of reckless driving;
  - (d) has a certificate issued by a medical practitioner that he is not disqualified in terms of [section 29](#) to drive a public motor vehicle.
- (3) For the purpose of subsection (2), (c), the licensing officer shall refer every application for a public driving permit, other than for a renewal of such permit, to the Lesotho Mounted Police to ascertain whether the applicant has any convictions recorded against him, any Lesotho Mounted Police officer is hereby authorised to report accordingly.
- (4) A public driving permit shall be issued to be valid for a period of 12 months.
- (5) Where the holder of a public driving permit applies before such permit expires for a new public driving permit, the unexpired permit shall remain valid until such holder is notified of the result of his application by the licensing officer or in the case of an appeal pursuant to [section 49](#), by the Minister.

#### 46. Register of public driving permits

- (1) The Traffic Commissioner shall keep a suitable register or record in alphabetical order of all persons to whom public driving permits have been issued;
- (2) The Traffic Commissioner shall record in the register kept by him in terms of subsection (1), particulars of all convictions by and orders of any court affecting any public driving permit and any suspension, cancellation or endorsement of any permit of which he has knowledge.

#### 47. Suspension or cancellation of public driving permit

- (1) Where any circumstances arise in relation to the holder of a public driving permit which in the opinion of the Minister would have justified the refusal of issuing a public driving permit to such holder or, the suspension or cancellation of a driving licence under [section 38](#), or such holder has been convicted of a second or subsequent offence which relates to the driving or overloading of a

motor vehicle or a failure to stop after or report an accident, the Minister may suspend or cancel the public driving permit held by such person.

- (2) If a suspension or cancellation is effected pursuant to subsection (1), the person so affected shall forthwith surrender the public driving permit to the Minister.
- (3) On the expiry of any period of suspension referred to in subsection (1), the Minister shall restore to the holder the public driving permit.
- (4) Where any circumstances referred to in subsection (1), arise in relation to the holder of a public driving permit issued from any of the contracting countries, the Minister may endorse the permit and inform such person that such permit is no longer in force within Lesotho.
- (5) A person who contravenes subsection (2) is guilty of an offence.

#### **48. Permitting or assisting a person to drive a public motor vehicle without a public driving permit**

- (1) No person who:
  - (a) is the owner of or in charge or in control of a public motor vehicle shall employ or permit any other person who is not a holder of a public driving permit to operate such vehicle on a public road; or
  - (b) is a holder of a public driving permit shall allow such permit to be used by any other person.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable to M300 and 3 months imprisonment.

#### **49. Right to appeal to Minister**

- (1) Any person who is aggrieved at:
  - (a) the refusal of a vehicle examiner to issue a certificate of fitness to him in respect of a public motor vehicle or to terms and conditions under which any such certificate was issued to him; or
  - (b) the refusal of a licensing officer to issue to him a public driving permit; or
  - (c) the suspension or cancellation of a certificate of fitness;may within 21 days of any such refusal, suspension or cancellation, lodge a written notice of appeal against such refusal, suspension or cancellation to the Minister and shall at the same time submit a copy of such notice to the vehicle examiner of licensing officer concerned, as the case may be.
- (2) The vehicle examiner or licensing officer shall forthwith after receipt of the copy of the notice referred to in subsection (1), furnish the Minister with his reasons for the decision to which such notice refers.
- (3) For the purpose of deciding an appeal pursuant to subsection (1), the Minister may:
  - (a) where such appeal concerns a certificate of fitness, cause the motor vehicle concerned to be examined and tested by an examiner nominated by him, and
  - (b) require either party to such appeal to furnish such information and evidence as he may deem expedient.
- (4) If such appeal is allowed, the vehicle examiner or the licensing officer, as the case may be, shall give effect to the decision of the Minister.

## 50. Duties of driver and conductor

- (1) It shall be the duty of the driver to check that a public motor vehicle used to carry passengers is in proper operating condition, before he begins his work as a driver of such motor vehicle.
- (2) Whenever a public motor vehicle contains the number of passengers which it is permitted to carry pursuant to the conditions of the certificate of fitness for such vehicle, no person, other than a road transport inspector, an owner or his representative shall be allowed by the driver or conductor to mount or enter such motor vehicle.
- (3) A driver or conductor shall not permit any person to mount or alight and no person shall mount or alight from a public motor vehicle carrying passengers while it is in motion.
- (4) A driver of a public motor vehicle shall not permit any person to be in front or beside him while such motor vehicle is in motion.
- (5) A driver or conductor of a public motor vehicle carrying passengers shall not allow any goods to be placed in a passageway of such motor vehicle or in such position as to obstruct the view of the driver or impede full and free access to any entrance or exit of such motor vehicle or in such manner as to interfere with the reasonable comfort or convenience or to constitute a danger to any person in such motor vehicle.
- (6) A driver or conductor of a public motor vehicle shall ensure that a least 2 means of exit are kept unobstructed in such vehicle at all times.
- (7) A driver of a public motor vehicle carrying passengers shall on approaching any railway level crossing stop such motor vehicle within 15 metres but not less than 5 metres from the nearest rail of such crossing, turn the radio or the public address system, if any, off, listen and look in both directions along such rail for any approaching train and shall not proceed until he has ascertained that it is safe to do so:  
  
Provided that this subsection shall not apply if the road or rail traffic at such crossing is controlled by booms or gates under the control of an attendant.
- (8) A driver and a conductor are responsible for the maintenance of proper order in a public motor vehicle and shall exclude from such motor vehicle any person who shows not to comply with [section 51](#) or with any lawful instructions given by them in pursuance of their duties.
- (9) A person who contravenes this section is guilty of an offence.

## 51. Passengers

- (1) No person shall, while travelling on a public motor vehicle:
  - (a) use obscene, indecent, offensive, or quarrelsome language or gestures;
  - (b) behave in an obscene, indecent, offensive or quarrelsome manner;
  - (c) wilfully interfere in any way with the reasonable comfort or convenience of the passengers in or upon such motor vehicle;
  - (d) wilfully obstruct or impede the driver or conductor of such motor vehicle;
  - (e) wilfully damage or dirty such vehicle.
- (2) No person suffering from a contagious disease which might endanger other passengers shall travel in or upon a public motor vehicle, unless it has been specially hired for the purpose in which case it is the responsibility of the owner of the motor vehicle to arrange the cleaning and disinfection of such motor vehicle immediately after such travel.
- (3) A person who contravenes this section is guilty of an offence.

## 52. Conditions of employment of driver and conductor

- (1) No person shall employ any person who is less than 21 years of age as a driver and less than 17 years of age as a conductor in respect of a public motor vehicle which carries passengers.
- (2) A driver of a public motor vehicle shall not drive:
  - (a) for any continuous period of more than 5 hours;
  - (b) for continuous periods amounting in all to more than 10 hours in any period of 24 hours commencing after midnight;
  - (c) so that he has not at least 10 consecutive hours for rest in any period of 24 hours calculated from the commencement of any period of driving.
- (3) A person who contravenes subsections (1) and (2) is guilty of an offence.
- (4) For the purpose of subsection (2);
  - (a) any 2 or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than an hour in which the driver is able to obtain rest and refreshment; and
  - (b) any time spent by the driver on other work in connection with the motor vehicle or its load shall be reckoned as time spent in driving.

## Chapter VII Traffic signs and speed limits

### 53. Traffic signs

Subject to this Act, the Minister may, for the purposes of prohibiting, restricting, regulating and controlling the use of a public road or a section of such road traffic, generally or any particular class of traffic, prescribe such signs, signals, markings or other devices known as traffic signs, their significance and the conditions and circumstances under which a traffic sign may be displayed on a public road as he may consider expedient.

### 54. Authority to display a traffic sign

- (1) The Minister or any person authorised by him, either generally or specifically, may, in respect of any public road, cause or permit to be displayed in the manner prescribed, such traffic signs as he may consider expedient.
- (2) The Minister may authorise students to organise patrols to be known as scholar patrols, to display in the manner prescribed, an appropriate traffic sign for the purpose of ensuring the safety of students crossing a public road.
- (3) The Minister may authorise any association or club to display and subject to such conditions as he may consider expedient, traffic signs on any public road and any such association or club may thereupon, in the manner prescribed display a badge or other token of the association or club in conjunction with any such traffic sign.
- (4) A traffic sign displayed in terms of the repealed law and which conforms to a traffic sign referred to in [section 53](#), shall be deemed to be displayed in terms of this law.
- (5) No person who is not authorised by this section shall display any traffic signs on a public road.
- (6) A person who contravenes subsection (5) is guilty of an offence and liable to M200 and 2 months imprisonment.

- (7) The Minister may, by written notice, require the owner or occupier of any land on which any traffic sign or other thing resembling a traffic sign is displayed which obscures the view or interferes with the effectiveness of any traffic sign, to remove such sign or thing within a stated period and, if such owner or occupier fails to comply with such notice he is guilty of an offence and liable to M200 and 2 months imprisonment.
- (8) Notwithstanding anything to the contrary contained in this section, the Minister may subject to such conditions as he may consider expedient authorise any person to display on a public road any sign, signal, marking or other device for the purpose of ascertaining the suitability thereof.
- (9) A person who removes or wilfully or negligently damages, or, without proper authority alters the position of any inscription, lettering, colour or design of traffic sign, or any sign, signal, marking or other device referred to in subsection (8), displayed in terms of this Chapter, is guilty of an offence and liable to M300 and 3 months imprisonment.

#### **55. Status of signs and signals**

- (1) Road users shall comply with the instructions conveyed by traffic signs, traffic light signals and road markings even if the instructions appear to contradict other traffic regulations.
- (2) Instructions conveyed by traffic light signals shall take precedence over those conveyed by traffic signs regulating priority.
- (3) Instructions given by police traffic officers directing traffic shall take precedence over those conveyed by traffic signs, traffic light signals and road markings, and over traffic regulations.
- (4) A person who contravenes this section is guilty of an offence.
- (5) When directing traffic, the police traffic officers shall be easily identifiable at a distance at night and by day.

#### **56. Failure to obey a traffic sign**

A person who, unless otherwise directed by a police traffic officer, fails to comply with any direction conveyed by a traffic sign displayed in the manner prescribed is guilty of an offence and liable to M100 and 1 month imprisonment.

#### **57. Speed limits**

- (1) Unless an appropriate traffic sign is displayed to the contrary, every public road or section thereof within a built-up area, shall be subject to a general speed limit of 50 kilometres per hour, and every public road or section thereof outside built-up areas shall be subject to a general speed limit of 80 kilometres per hour.
- (2) The Minister may prescribe a special speed limit for any road or section thereof or for any particular class of vehicle in excess of which no person shall drive such vehicle on a public road.
- (3) Any person who contravenes subsections (1), and (2), is guilty of an offence.

### **Chapter VIII Rules of the road**

#### **58. General rules**

- (1) Road users shall avoid any behaviour likely to endanger or obstruct traffic, to endanger persons or to cause damage to public or private property.
- (2) Road users shall not obstruct traffic or risk making it dangerous by throwing, depositing or leaving any object or substance on the public road.

- (3) If a road user has created obstruction or danger on the public road, he shall take all necessary steps to remove it as soon as possible and, if he cannot remove it immediately, to warn other road users of its presence.
- (4) A person who contravenes this section is guilty of an offence.

### **59. Driving a vehicle on a public road**

- (1) A person driving a motor vehicle on a public road shall do so by driving on the left side of a two-way carriageway and, where such carriageway is of sufficient width, in such manner as not to encroach on that half of the carriageway to his right:

Provided that such encroachment shall be permissible—

- (a) where a traffic sign so directs and when it can be done without obstructing or endangering other traffic or property; or
  - (b) in compliance with a direction of a police officer.
- (2) On a two-way carriageway having 3 lanes no driver shall take the lane situated at the edge to his right side of the carriageway.
  - (3) On a two-way carriageway having 4 or more lanes no driver shall take the lanes situated entirely on the half of the carriageway to his right.
  - (4) Where a road comprises 2 carriageways, no driver shall take the carriageway situated to his right.
  - (5) A person who contravenes this section is guilty of an offence.

### **60. Overtaking and movement of traffic in lines**

- (1) A driver of a motor vehicle, intending to pass any other road proceeding in the same direction on a public road shall pass to the right thereof at a safe distance and shall not again drive on the left side of the carriageway until safely clear of the other road users to be passed:

Provided that, in the circumstances as aforesaid, passing to the left of another road user shall be permissible if the driver can do so with safety to both himself and other traffic or property and—

- (a) the driver to be overtaken has signalled his intention to turn to the right and moved his motor vehicle or animals over towards that side in order to the right for the purpose of taking another road or entering a property bordering on the road, or to stop on that side;
  - (b) such road is a public road in a built-up area; and
    - (i) is restricted to traffic moving in one direction; and
    - (ii) the carriageway is of sufficient width for 2 or more lines of traffic;
  - (c) the carriageway of such road is restricted to traffic moving in one direction and is divided into traffic lanes by appropriate road markings;
  - (d) he is driving in compliance with the directions of a police traffic officer or in traffic which is under the general direction of such officer and in accordance with such direction.
- (2) In no event shall any overtaking referred to in subsection (1) be done by driving on the shoulder of the carriageway or on the edge of the public road concerned.
  - (3) Before overtaking, every driver shall make sure that:
    - (a) no driver following him has begun to overtake him;
    - (b) the driver ahead of him in the same lane has not given warning of his intention to overtake another;

- (c) the lane he is about to take is clear far enough ahead, having regard to difference between the speed of his vehicle while overtaking, and that of the road users to be overtaken; and
  - (d) except when using a lane closed to oncoming traffic, he will be able without inconvenience to the road users overtaken to resume the position prescribed in [section 59](#).
- (4) A driver of a motor vehicle shall not overtake other traffic proceeding in the same direction on a public road when;
- (a) approaching the crest of hill;
  - (b) on bends; or
  - (c) the visibility is inadequate;
- unless there are at these points lanes defined by longitudinal road markings and overtaking is carried out without leaving the lanes marked as closed to oncoming traffic.
- (5) On carriageways with at least 2 lanes reserved for traffic moving in the direction in which the driver is proceeding if he is obliged to overtake again, he shall do so if there is no undue inconvenience to the drivers of fast motor vehicles and remain in the lane he has occupied for the first overtaking manoeuvre without resuming the position prescribed in [section 59](#).
- (6) When subsection (5) is applicable and the density of traffic is such that motor vehicles do not only occupy the entire width of the carriageway reserved for traffic taking the direction in which they are moving but also move only at a speed governed by that of the motor vehicle proceeding in that lane;
- (a) the movement of the motor vehicle in one lane at a higher speed than that of those in another shall not be deemed to constitute overtaking within the meaning of this section;
  - (b) a driver not in the lane nearest to the edge of the carriageway on the left may change lanes only in order to prepare to turn right or left or to park.
- (7) When moving in lanes as described in subsections (5) and (6) if the lanes are indicated on the carriageway by longitudinal markings, drivers shall not straddle these markings.
- (8) No driver of a motor vehicle shall overtake another motor vehicle other than a two-wheeled cycle or a two-wheeled motorcycle without a side-car:
- (a) immediately before or on an intersection except;
    - (i) in the case provided in subsection (1) (b);
    - (ii) where the road on which overtaking takes place has priority at the intersection;
    - (iii) where traffic is directed at the intersection by a police officer or by traffic light signals;
  - (b) immediately before or on a level crossing.
- (9) A driver of a motor vehicle shall not overtake another motor vehicle which is approaching a pedestrian crossing marked on the carriageway or sign posted as such or which is stopped immediately before the crossing otherwise than at a speed low enough to stop immediately if a pedestrian is on the crossing.
- (10) A driver of a motor vehicle who perceives that a driver following him wishes to overtake him shall keep close to the edge of the left side of the carriageway and refrain from accelerating and, if his motor vehicle is slow or bulky or is required to observe a special speed limit, slow down and if necessary pull into the side as soon as possible to allow the motor vehicle following him to overtake.
- (11) A person who contravenes this section is guilty of an offence.

## 61. Passing on coming traffic

- (1) When passing oncoming traffic a driver shall leave sufficient lateral space and, if necessary, move close to the edge of the left side of the carriageway and if in so doing he finds his progress impeded by an obstruction or by the presence of other road users, he shall slow down and if necessary stop to allow the oncoming road user or road users to pass.
- (2) On mountain roads and steep roads, where the passing of oncoming traffic is impossible or difficult, the driver travelling downhill shall pull to the side of the road in order to give way to motor vehicles proceeding uphill except where the arrangement of lay-bys is such that the motor vehicle proceeding uphill has a lay-by ahead of it and the need for one of the vehicles to reverse can be avoided if the motor vehicle proceeding uphill pulls into that lay-by.

## 62. Speed and distance between vehicles

- (1) A driver of a vehicle shall have his vehicle under control in all circumstances and shall adjust his speed in such a way that he can stop his motor vehicle within his range of forward vision and short of any foreseeable obstruction.
- (2) A driver of a vehicle shall slow down and, if necessary stop whenever circumstances so require and particularly when visibility is not good.
- (3) A driver of a vehicle shall not impede the normal progress of other vehicles by travelling abnormally slowly without proper cause.
- (4) A driver of a vehicle moving behind another shall keep at a sufficient distance from the other vehicle so as to avoid collision should the vehicle in front suddenly slow down or stop.
- (5) Outside built-up areas, in order to facilitate overtaking, a driver of a motor vehicle or a combination of motor vehicles of more than 3500kg permissible maximum weight, or more than 10 metres overall length, shall, except when he is overtaking or preparing to overtake, keep at such distance from other vehicles ahead of them so that other vehicles overtaking them can do so without any danger:

Provided that this subsection shall not apply in every dense traffic and in circumstances where overtaking is prohibited.

## 63. Manoeuvres

- (1) A driver of a vehicle wishing to perform a manoeuvre on a public road, shall first make sure that he can do so without risk of endangering or impeding other road users travelling behind or ahead of him or about to pass him, having regard to their position, direction and speed.
- (2) Before turning or before a manoeuvre involving moving laterally, a driver of a vehicle shall give clear and sufficient warning of his intention by means of direction indicators, or failing this, by giving an appropriate hand signal and shall continue to do so throughout the manoeuvre.
- (3) In built-up areas, in order to facilitate the movement of passenger carrying public motor vehicles the drivers of other vehicles shall slow down and if necessary stop to give the public motor vehicle priority to move off from stops marked as such.
- (4) A driver of a vehicle who contravenes this section is guilty of an offence.

## 64. Slowing down and stopping

- (1) A driver of a vehicle shall not apply brakes abruptly unless it is necessary to do so for safety reasons.
- (2) A driver of a vehicle intending to slow down or stop shall, except where such slow down is in response to an imminent danger, first make sure that he can do so without danger or undue



inconvenience to other drivers, and, give a clear and timely warning of his intention to do so by using the stop lights of his motor vehicle or by giving the prescribed hand signal.

- (3) A driver of a vehicle who contravenes this section is guilty of an offence.

## 65. Intersections and obligation to give way

- (1) A driver of a vehicle approaching an intersection shall exercise such extra care as may be appropriate to local conditions and, in particular drive at such speed as to enable him to stop to allow a vehicle having the right of way to pass.
- (2) A driver of a vehicle on a public road shall give way, at intersections other than those specified in subsection (3), to vehicles approaching from his right side unless his entry into such junction is controlled by an instruction, given by a police traffic officer or a direction conveyed by a road traffic sign.
- (3) A driver of a vehicle emerging from a path or an earth track on to a public road other than a path or an earth track shall give way to vehicle travelling on that road.
- (4) A driver of a vehicle emerging on to a road from property bordering thereon shall give way to vehicles travelling on that road.
- (5) Even if the traffic signals authorise him to do so, the driver of a vehicle shall not enter an intersection if the density of traffic is much that he will probably be obliged to stop on the intersection, thereby obstructing or preventing the passage of cross traffic.
- (6) A driver of a vehicle, who has entered an intersection where traffic is regulated by traffic light signals may clear the intersection without waiting for the way to be opened in the direction on which he wishes to proceed provided that this does not impede the progress of other road users moving in the open direction.
- (7) A driver of a vehicle who contravenes this section is guilty of an offence.

## 66. Change of direction

- (1) A driver of a vehicle on a public who desires to turn to the left shall, having due regard to [section 65](#), before he makes the point at which he intends to turn, indicate by means of direction indicators fitted to his vehicle, or by the prescribed hand signal, his intention to turn and shall make such turn with due care and merge into such traffic stream as may at the time be proceeding along, towards or into the public road into which he desires to turn.
- (2) A driver of a vehicle on a public road who desires to turn to the right shall indicate by means of direction indicators fitted to his vehicle or by the prescribed hand signal his intention to turn and shall not effect such turning unless he can do so without obstructing or endangering other traffic and—
- (a) if he is driving a vehicle on a two way carriageway:—
- (i) he shall steer such vehicle as near as circumstances may permit to the immediate left of the middle of the carriageway on which he is travelling;
- (ii) where the turn is at an intersection, he shall not encroach on the right half of the carriageway into or out of which he intends to turn, except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by any appropriate traffic sign;
- (b) if he is driving a vehicle on a one way carriageway:
- (i) he shall steer such vehicle as near as the circumstances permit to the right side of such carriageway; and

- (ii) where the turn is at an intersection, he shall not encroach on the right half of the carriageway into which he intends to turn except in the intersection itself but shall in any event pass to the left of any traffic island in such intersection or comply with the direction conveyed by an appropriate traffic sign.
- (3) A driver who contravenes this section is guilty of an offence.

## 67. Towing of vehicles

- (1) No person shall operate any vehicle on a public road towing another vehicle, other than a trailer:
- (a) unless the tow-rope or chain or other connecting appliance is so adjusted that the distance separating the two vehicles is at least 3 metres but does not exceed 6 metres:  
  
Provided that this paragraph shall not apply if the other end of the towed vehicle is carried clear of the ground or where the towed vehicle is connected with the towing vehicle with a tow-bar;
  - (b) unless the towed vehicle is securely attached to the towing vehicle and is under proper control;
  - (c) unless the means of connection between the two vehicles has been rendered easily discernable to other users of such public road;
  - (d) unless there is a person in control of the steering apparatus of the towed vehicle, and such person holds a licence entitling him to drive the class of vehicle which is being towed:  
  
Provided that this paragraph shall not apply when the vehicle is so towed or carried that it is clear of the ground or when the towed vehicle is connected to the towing vehicle by a steering lock-tow-bar;
  - (e) at a speed in excess of 40 kilometres per hour unless the connecting appliance is a tow bar;
  - (f) if the towed vehicle is conveying passengers; or
  - (g) if the towed vehicle is a vehicle without efficient brakes, unless it is carried clear of the ground or the connecting appliance is a tow-bar;
- (2) A person who contravenes this section is guilty of an offence.

## 68. Level crossings

- (1) A driver of a vehicle shall exercise extra care in approaching and traversing level crossings and in particular approach such level crossings at a speed reasonable to enable him to stop before such level crossing if circumstances so require.
- (2) Without prejudice to the obligation to obey an instruction to stop given by a light signal or a sound signal, no road user shall enter a level crossing at which the gates or half-gates are across the road, or in a process of being placed across the road or in a process of being raised.
- (3) If a level crossing is not equipped with gates, half-gates or light signals, no road user shall enter it without making sure that no rail borne vehicle is approaching.
- (4) No road user shall linger while traversing a level crossing, and if a vehicle is compelled to stop, the driver thereof shall endeavour to move such vehicle off the track, and if he is unable to do so, immediately do everything he can to ensure that the drivers of rail borne vehicle are warned of the danger in time.
- (5) A person who contravenes this section is guilty of an offence.

## 69. Islands on the carriage-way

- (1) Without prejudice to [section 66](#), the driver of a vehicle may pass to the left or to the right of islands, posts or other devices set up on the carriageway on which he is travelling, except:
  - (a) where the side on which the island, post or device shall be passed is indicated by a sign;
  - (b) where the island, post or device is on the centre-line of a two way carriageway the driver shall keep to the left side of the island.
- (2) A driver of a vehicle who contravenes this section is guilty of an offence.

## 70. Standing and parking

- (1) Outside built-up areas, standing or parked vehicles or halted animals shall so far as possible be stationed elsewhere than on the carriageway, but not on cycle tracks or on pavements and verges especially provided for pedestrian traffic.
- (2) Animals halted and vehicles standing or parked on a two way carriageway shall be kept as close as possible to the left side edge of the carriageway, unless it is prohibited by this Act, or at places specially marked for standing and parked vehicles.
- (3) Animals halted and vehicles standing or parked on a one way carriageway outside built-up areas shall be kept as close as possible to the left side edge of the carriageway unless it is prohibited by this Act.
- (4) Animals halted and vehicles standing or parked on a one way carriageway within built-up areas may be kept as close as possible to the edges of both sides of the carriageway, unless it is prohibited by a traffic sign, or at places specially marked for standing and parked vehicle.
- (5) Vehicles other than two-wheeled cycles and two wheeled motor cycles without a side-car shall not stand or be parked two abreast on the carriageway.
- (6) Except in order to avoid an accident or in compliance with a traffic sign or with a direction given by a police officer or for any cause beyond the control of a driver, no person shall keep his vehicle standing or parked on a carriageway:
  - (a) in contravention of any traffic sign;
  - (b) on pedestrian crossings, on crossings for cyclists, and on level crossings;
  - (c) on railway tracks on the road or so close to such tracks that the movement of rail borne traffic might be impeded;
  - (d) on pavements for pedestrians and cycle tracks;
  - (e) alongside or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such standing or parking;
  - (f) within any tunnel or subway or on any bridge or within 10 metres of any subway or bridge, save in such spaces as may specially be marked for standing or parked vehicles;
  - (g) close to the crest of hills, and on bends where visibility is not sufficient for the vehicle to be overtaken in complete safety;
  - (h) beside a longitudinal road marking, where paragraph (f) does not apply but the width of the carriageway between the marking and the vehicle is less than 3 metres and the marking is such that the vehicle approaching it on the same side are forbidden to cross;
  - (i) in or within 10 metres of the beginning or end of any part of a carriageway where the normal width thereof has for any reason been constricted;

- (j) in any other place where the standing or parking of the vehicle would likely constitute a danger or any obstruction to other traffic.
- (7) No person shall park a vehicle on a carriageway:
- (a) within 5 metres of pedestrian crossings marked by appropriate traffic signs;
  - (b) within 5 metres of any intersection, level crossing or bus stop;
  - (c) in front of vehicle entries to properties;
  - (d) at any place where the parked vehicle would prevent access to another vehicle properly parked or prevent such other vehicles from moving out;
  - (e) at any place where the parked vehicle would conceal traffic signs or traffic light signals from view of road users;
  - (f) in such manner as to encroach upon pavement, if any;
  - (g) with the outside of any left hand wheel of the vehicle more than 40 centimetres within the carriageway unless such parking is done in conformity with an appropriate traffic sign.
- (8) A driver shall not leave his vehicle or animals without having taken all necessary precautions to avoid any accident and in the case of a motor vehicle, without having set its brake or having adopted such other method as will effectively prevent the motor vehicle from moving or being used without authority.
- (9) Every motor vehicle other than a 2 wheeled motor cycle without a side car and every trailer coupled or uncoupled, shall, when stationary on the carriageway outside a built-up area, be signalled to approaching drivers by means of a warning device in the prescribed form placed not less than 30 metres from the vehicle near the edge of the carriageway on both sides of such vehicle:
- (a) if the vehicle is stationary at night on the carriageway in circumstances such that approaching drivers cannot be aware of the obstacle which the vehicle constitutes;
  - (b) if the driver, in other cases has been compelled to halt his vehicle at a place where standing is prohibited.
- (10) A person who contravenes this section is guilty of an offence.

## 71. Exemptions concerning standing and parking

- (1) Section 70 shall not apply in respect of an ambulance, a fire engine, a vehicle used by a police officer in the execution of his duty or a vehicle used on the construction or maintenance of a public road or the supply of electricity or water or any other essential public service, if such service cannot properly be performed without infringing such provisions, or a vehicle exempted by the Minister by notice in the *Gazette*.
- (2) The Minister may in such circumstances and subject to such conditions as he may consider expedient, exempt any medical practitioner or any other person whose profession or physical condition so requires, from the provisions of section 70.

## 72. General duties of driver and passengers on a public road

- (1) No driver of a vehicle on a public road shall:
  - (a) cause such vehicle to travel backwards unless it can be done in safety and is not done for a greater distance or time than is necessary for the safety or reasonable convenience of any occupant of that vehicle or of other traffic on such road;
  - (b) follow another vehicle more closely than is reasonable and prudent having regard to the speed of such other vehicle and the traffic and the condition of the carriageway;

- (c) permit any person to occupy any position in or on such vehicle which may prevent the driver from exercising complete control over the movements of the vehicle or signalling his intention of stopping, slowing down or changing direction;
  - (d) permit any person to take hold of or interfere with the steering or operation mechanism of the vehicle;
  - (e) occupy such position that he has not complete control over such vehicle or has not a full view of the road and traffic ahead of such vehicle;
  - (f) fail to give an immediate and absolute right of way to a vehicle sounding a siren or bell pursuant to [section 55](#);
  - (g) allow any portion of his body to protrude beyond such vehicle while it is in motion on such road except for the purpose of giving any hand signal which he is required to give in terms of this Act or unless he is engaged in examining or testing such vehicle;
  - (h) permit any person or animal to occupy the roof, step or running board of such vehicle while such vehicle is in motion;
  - (i) cause or allow the engine thereof to run in such manner that it emits smoke or fumes which would not be emitted if the engine were in good condition or run in an efficient manner;
  - (j) cause or allow the engine thereof to run while the motor vehicle is stationary and unattended;
  - (k) negligently or wilfully deposit or cause or permit to be deposited any petrol or other liquid fuel or any oil or grease or other inflammable or offensive matter, ashes or other refuse, from such vehicle upon road or into any running water; or
  - (l) cause or allow the engine thereof to run while petrol or other inflammable fuel is being delivered into the fuel tank of such vehicle or cause or allow such engine to be started before the delivery of the petrol or other inflammable fuel into the fuel tank of such vehicle has been completed and the cover of such fuel tank has been replaced.
- (2) No person, other than a driver, shall take hold of or interfere with the steering or operating mechanism of a vehicle while it is in motion on a public road, unless it may reasonably be inferred that the driver is no longer capable of steering or controlling such vehicle.
  - (3) No passenger in a vehicle on a public road shall permit any part of his body to protrude beyond such vehicle.
  - (4) No person shall enter or alight from any vehicle on a public road unless such vehicle is stationary and unless he can do so with safety to himself and other users of the road.
  - (5) No person shall drive, pull or push a vehicle on a sidewalk:  
Provided that this subsection shall not apply to a perambulator, invalid chair, baby cart or child's play vehicle.
  - (6) No person shall open the door of a vehicle, leave it open, or alight from the vehicle without having made sure that to do so cannot endanger other road users.
  - (7) A person who contravenes this section is guilty of an offence.

### **73. Duties relating to motor cycles or motor tri-cycles**

- (1) No person shall drive a motor cycle or motor tricycle on a public road unless his feet are resting on foot rests made for the purpose and, where the design of such motor cycle or motor tricycle makes it possible to do so he is seated astride on the saddle of such motor cycle or motor tricycle.
- (2) No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with cylinder capacity exceeding 50 cubic centimetres, and unless such passenger is seated in a

side-car or astride a pillion attached to such cycle and, in such latter event foot rests have been provided for such passenger.

- (3) Subject to subsection (1) not more than 2 persons shall ride on a motor cycle on a public road excluding a person riding in a side-car attached to such motor cycle.
- (4) Not more than one adult person shall be carried in a side-car attached to a motor cycle on a public road.
- (5) No person or animal or article shall be carried on a cycle or motor tricycle on a public road in front of the driver thereof:

Provided that an article of non-bulky nature may be so carried if securely attached thereto or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his exercising complete control over such motor cycle or motor tricycle.

- (6) A person other than a police officer, driving a motor cycle on a public road shall drive in a single line except in the course of overtaking another motor cycle and two or more persons driving motor cycles shall not overtake another vehicle at the same time:

Provided that where a public road is divided into traffic lanes, each such lane shall, for the purpose of this paragraph be regarded as a public road.

- (7) No person driving a motor cycle on a public road shall take hold of any other vehicle in motion.
- (8) A person driving a motor cycle on a public road shall do so with at least one hand on handle bars of such motor cycle or motor tricycle.
- (9) No person shall drive or ride on a motor cycle without wearing a crash helmet.
- (10) A person who contravenes this section is guilty of an offence.

#### **74. Vehicle causing excessive noise**

- (1) A person operating a motor vehicle on a public road, if such vehicle causes any excessive noise either directly or indirectly as a result of:
  - (a) any defect therein, including a defect in design or construction, lack of repair to or faulty adjustment of such vehicle or any part or accessory thereof;
  - (b) the faulty packing or adjustment of the load of such vehicle;
  - (c) the use, except the use of a siren or bell pursuant to [section 75](#), or any fitting or device which produces excessive noise; or
  - (d) any wilful act or omission by such person;
 is guilty of an offence.
- (2) In any prosecution pursuant to subsection (1), it shall be a good defence if the person charged proves to the satisfaction of the court that the noise was due to some temporary or accidental cause and would not have been prevented by the exercise of due diligence and care on his part.

#### **75. Audible and luminous warnings**

- (1) Audible warning devices may be used only:
  - (a) to give due warning with a view to avoiding an accident;
  - (b) outside built-up areas when it is desirable to warn a driver that he is about to be overtaken.
- (2) The sounds emitted by audible warning devices shall be prolonged unnecessarily.
- (3) Motor vehicle drivers may give luminous warning specified in [section 86](#) instead of audible warnings, if to do so is more appropriate in the prevailing circumstances.

- (4) When drivers of vehicles operated by police, ambulance, fire engines or other priority vehicles as may be prescribed, give warning of their movement by the vehicle's special warning devices, and provided that they do not endanger other road users, they shall not be bound by this Chapter.
- (5) When warned of the approach of a priority vehicle by its special luminous or audible warning devices, every road user shall leave room clear for it to pass and shall, if necessary stop.
- (6) A person who contravenes subsections (1), (2) and (5) is guilty of an offence.

## **76. Riding of pedal cycles**

- (1) No person shall ride a pedal cycle on a public road unless he is seated astride on the saddle of such pedal cycle.
- (2) Persons riding pedal cycles on a public road shall ride in single line except in the course of overtaking another pedal cycle and two or more persons riding pedal cycles shall not overtake another vehicle at the same time.
- (3) No person riding or seated on pedal cycle on a public road shall take hold of any other vehicle in motion.
- (4) No person riding a pedal cycle on a public road shall carry thereon any person, animal or article which obstructs his view or which prevents him from exercising complete control over the movements of such pedal cycle.
- (5) No person riding a pedal cycle on a public road shall deliberately cause such pedal cycle to swerve from side to side.
- (6) A person riding a pedal cycle on a public road shall do so with at least one hand on the handle bars of such pedal cycle.
- (7) Whenever a portion of a public road has been set aside for use by persons riding pedal cycles no person shall ride a pedal cycle on any other portion of such road.
- (8) A person who contravenes this section is guilty of an offence.

## **77. Animal on public road**

- (1) Subject to subsection (2) no person shall leave or allow any animal to be on any section of a public road where that section is fenced along both sides, and no person shall leave such animal in a place from where it may stray on to any such section of a public road.
- (2) Subsection (1) shall not apply to—
  - (a) any animal which is being ridden or is being used to draw a vehicle along a public road; or
  - (b) any animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to any person or vehicle using such road.
- (3) A person who contravenes subsection (1) is guilty of an offence.
- (4) In any prosecution for a contravention of subsection (3); it shall be presumed, until the contrary is proved, that any animal was left or allowed to be on the section of the public road or place concerned by the owner of such animal, and a section of a public road shall be regarded as fenced along both sides even though there is an opening providing access to such road in the fence.
- (5) No person shall drive any animal along a carriageway during the period between half-an-hour after sunset and halfan-hour before sunrise unless a person carrying a red light visible in clear weather, for a distance of at least 150 metres, tends such animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and carrying a white light visible in clear weather for a distance of 150 metres precedes, and another person carrying a red light follows such animals.

- (6) Where flocks or herds are driven along the carriageway of a public road, they shall be divided into sections of moderate length spaced sufficiently apart for the convenience of traffic.
- (7) A person in charge of any animals on a public road shall tend them in such manner as not to constitute an obstruction or danger to other traffic.
- (8) A person who contravenes subsections (5), (6) and (7) is guilty of an offence.

#### **78. Animal drawn vehicles**

- (1) No person shall operate an animal-drawn vehicles on a public road unless the vehicle and the harness and other equipment thereof are in an efficient and safe condition.
- (2) An owner of an animal drawn vehicle shall not cause or permit such vehicle to be used on a public road by any person who is not competent whether by reason of his age or otherwise to drive and control such vehicle.
- (3) A driver of an animal-drawn vehicle on a public road shall at all times give his undivided attention to the driving of the vehicle under his control and if the vehicle is standing on a public road, the driver shall not cease to retain control over every animal which is still harnessed to the vehicle unless some other person competent to do so takes charge or every such animal is so fastened that it cannot move from the place where it has been left.
- (4) No person shall operate a vehicle drawn by a team of animals not controlled by reins on a public road, unless there be a person leading the team and exercising control over such team.
- (5) A driver or other person in charge of a vehicle drawn by any animal shall not, on a public road outside an urban area, permit such vehicle to follow another vehicle similarly drawn at a distance of less than 50 metres reckoned from the foremost animal of such first mentioned vehicle except for the purpose of overtaking a vehicle travelling at a slower speed or when a vehicle travelling at greater speed, having overtaken such vehicle is drawn away from it.
- (6) A person who contravenes this section is guilty of an offence.

#### **79. Duties of pedestrians**

- (1) A pedestrian on a public road which has no pavement or suitable verges for pedestrians shall walk as near as practicable to the edge of the carriageway on his right hand side so as to face oncoming traffic on such carriageway.
- (2) Persons pushing a cycle or a motor cycle or forming a procession shall in all cases keep near the edge of the carriageway on their left hand side.
- (3) If at the side of the carriageway, there are pavements or suitable verges for pedestrians, such pedestrians shall use them.
- (4) A pedestrian wishing to cross a carriageway shall exercise due care and use a pedestrian crossing to cross the carriageway, whenever there is one nearby.
- (5) In order to cross a carriageway at a pedestrian crossing sign posted as such or indicated by markings on the carriageway, a pedestrian shall:
  - (a) if the pedestrian crossing is equipped with light signals, obey the instructions given by such lights;
  - (b) if the crossing is not equipped with such lights, but vehicular traffic is regulated by traffic lights or by police traffic officer, not step onto the carriageway while the traffic light or the signal given by the police traffic officer indicate that vehicles may proceed along the carriageway;
  - (c) at other pedestrian crossings, not step on a carriageway without taking into account the distance and speed of approaching vehicles.



- (6) In order to cross a carriageway elsewhere than at a pedestrian crossing a pedestrian shall not step on the carriageway without first making sure that he can do so without impeding vehicular traffic.
- (7) A pedestrian shall not take an unnecessary long route when crossing a carriageway, and shall not linger or stop on the carriageway unnecessarily.
- (8) No pedestrian on a public road shall conduct himself in such manner as to or as is likely to constitute a source of danger to himself or to other traffic on such road.
- (9) A pedestrian who contravenes this section is guilty of an offence.

## **80. Behaviour of drivers towards pedestrians**

- (1) If vehicular traffic is regulated at a pedestrian crossing on a carriageway, by traffic light signals or by a police officer, a driver of a vehicle forbidden to proceed shall stop short of such crossing, and when permitted to proceed shall not prevent or obstruct the passage of pedestrians who have stepped on to and are proceeding over the crossing.
- (2) A driver of a vehicle shall stop short of a pedestrian crossing on a carriageway but not regulated by traffic light signals or by a police officer in all cases when pedestrians are using or about to use such pedestrian crossing.
- (3) A driver of a vehicle turning into another road at the entrance to which there is pedestrian crossing on a carriageway, shall do so slowly and give way, if necessary stop, to pedestrians already using or about to use such pedestrian crossing.
- (4) A driver of a vehicle intending to overtake another vehicle stopped short of a pedestrian crossing on a carriageway, shall also stop short of such crossing and proceed only after having made sure that no pedestrians are using or about to use such crossing.
- (5) A driver of a vehicle intending to overtake a public motor vehicle on the left hand side at a stop marked as such shall slow down and if necessary stop to allow passengers to board or alight from such public motor vehicle.
- (6) A driver of a vehicle shall not cut across troop columns, lines of school children accompanied by a person in charge, and other processions.
- (7) A driver of a vehicle who contravenes this section is guilty of an offence.

## **81. Racing and sports on public road**

- (1) A person who, without the prior written consent of the Minister, organises or takes part in any race, speed trial, reliability trial or other sport meeting on a public road, is guilty of an offence.
- (2) In granting his consent in terms of subsection (1), the Minister may, in addition to any prescribed requirements, impose such conditions for ensuring the public safety as he may consider proper and wave any speed limit, restriction or prohibition relating to traffic on public roads, or fix other speed limits, restrictions or prohibitions for such events-

## **82. Motorways and similar roads**

- (1) Motorways and special approach roads to and exit roads from motorways are reserved for the use of motor vehicles and their trailers only.
- (2) On motorways and special approach roads to and exit roads from motorways, drivers shall not:
  - (a) have their motor vehicles standing or parked elsewhere than at marked parking sites;
  - (b) make U turns, travel in reverse and drive on to the central dividing strip including the cross-overs linking the 2 carriageways.

- (3) If a driver is compelled to stop his motor vehicle on a motor way or on an approach road to or exit road from the motorway, he shall endeavour to move it off the carriageway and also off the flush verge, and if he is unable to do so, he shall immediately signal the presence of the motor vehicle at a distance so as to warn approaching drivers in time.
- (4) A driver emerging on to a motorway shall:
  - (a) if the approach road is not continued by an acceleration lane, give way to motor vehicles travelling on the motorway;
  - (b) if there is an acceleration lane, use it, and when merging into the motorway traffic do so in conformity with section 63.
- (5) A driver leaving a motorway shall move into the traffic lane appropriate to the motorway exit in good time and enter the deceleration lane, if there is one, as soon as possible.
- (6) A driver who contravenes this section is guilty of an offence.
- (7) For the purpose of this section other roads reserved for motor vehicle traffic only, duly sign-posted as such and not affording access to or from properties alongside, shall be treated as motorways.

### **83. Vehicle left or abandoned on public road**

- (1) A vehicle parked on a public road, in a position or in circumstances which in the opinion of a police officer are likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a safer place by any such officer.
- (2) A vehicle which has been parked in a place where the stopping of a vehicle is prohibited in terms of [section 70](#) or which has been left in the same place on a public road for a continuous period of more than 7 days, shall be deemed to have been abandoned by the owner thereof, and may be removed by or at the instance of the Traffic Commissioner who shall take all reasonable steps to endeavour to trace the owner thereof and such owner shall be liable for all the expenses incurred:

- (a) in the removal of the vehicle;
- (b) in the custody thereof for a period not exceeding 4 months; and
- (c) in connection with the endeavour to trace him;

and the Traffic Commissioner may subject to subsection (3) retain possession of such vehicle until such expenses have been paid.

- (3) If,
  - (a) such owner is traced and fails to recover the vehicle concerned and pay the expenses referred to in subsection (2) within 14 days of being requested to do so, or
  - (b) after a lapse of 3 months from the date of removal referred to in subsection (2) the owner cannot be traced;

the Traffic Commissioner may offer for sale such vehicle and anything contained therein by public auction after 14 days notice has been given in at least one English or Sesotho newspaper circulating in Lesotho and whenever possible, the authority which registered such vehicle shall be advised of such sale.

- (4) The proceeds occurring thereto shall be applied first to the cost of the removal, custody, advertising and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle and any balance shall be paid to the owner upon his establishing his claim thereto:

Provided if no claim is established within one year of the date of such sale, such balance shall be paid into the consolidated fund.

- (5) The Traffic Commissioner may delegate either generally or specifically any power conferred on him under this section, to any person or authority.
- (6) The exercise by the Traffic Commissioner or any person or authority of the powers under this section shall not render him or any person or authority liable to the loss or theft of or damage to any vehicle or part thereof or of anything therein
- (7) A person who leaves a vehicle in the same place on public road for a continuous period of more than 7 days is guilty of an offence and liable to M100 and 1 month imprisonment.

#### **84. Damage to public road**

- (1) No person shall on a public road:
  - (a) cause a wheel of any motor vehicle to drag upon the surface of the roadway, except in the case of emergency;
  - (b) make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway; or
  - (c) use any vehicle or thing or move any vehicle or thing on the roadway in the manner causing or likely to cause damage thereto.
- (2) A person who contravenes this section is guilty of an offence.

#### **85. Trading on public road**

- (1) Except on or in premises licensed by competent authority, no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods:
  - (a) on any public road, or any traffic sign denoting a blind corner or rise thereon;
  - (b) on any public road inside an urban area, except in such circumstances and subject to such conditions as the Minister may by regulations provide or, in the absence of such regulations as he may determine, either generally or specifically:

Provided that no such regulation or determination shall apply within 100 metres of any intersection on such road.

- (2) A person who contravenes this section is guilty of an offence.

#### **86. Lighting**

- (1) For the purposes of this section, "night" means the period between half an hour after sunset and half an hour before sunrise and also other times when visibility is poor on account of fog, rain, passage through a tunnel or any other reason.
- (2) For lighting purposes at night:
  - (a) every motor vehicle operated on a public road, other than a 2 wheeled motor cycle without a side-car, shall be equipped with lights as prescribed but with not less than 2 white or selective-yellow lights to the front and an even number of red lights to the rear; and
  - (b) every motor vehicle or combination of motor vehicles to which paragraph (a) does not apply, shall when on a road at night, show at least one white or selectiveyellow light to the front and at least one red to the rear as prescribed.

- (3) When a motor vehicle is operated on a public road at night the prescribed driving or passing lights shall be switched on depending on the visibility:
- Provided that only passing lights shall be used:
- (i) on lighted streets in built-up areas;
  - (ii) when the driver is approaching oncoming traffic so as not to cause undue dazzle or inconvenience to such traffic; and
  - (iii) when the driver is about to overtake and pass another vehicle to prevent dazzle far enough away to enable the driver of the other vehicle to proceed without danger.
- (4) The luminous warning referred to in [section 75](#) shall consist of switching on the passing lights intermittently at short intervals or switching on the driving lights intermittently or switching on the passing lights and the driving lights alternatively at short intervals.
- (5) A person who contravenes this section is guilty of an offence.

### **87. Loading of vehicles**

- (1) If a permissible maximum weight is laid down for a vehicle the laden weight of the vehicle shall never exceed the permissible maximum weight.
- (2) Every load on a vehicle shall be so arranged and if necessary, stowed to prevent it from:
  - (a) endangering persons or causing damage to public or private property, more particularly trailing on or falling on to the road;
  - (b) obstructing the driver's view or impairing the stability or driving of the vehicle;
  - (c) causing noise, raising dust, or creating any other nuisance which can be avoided;
  - (d) concealing lights, including the prescribed stop lights, and direction indicators, reflectors, registration number plates and the distinguishing sign of the state of registration, or concealing signals given by arm.
- (3) All accessories such as cables, chains and sheets, used to secure or protect the load shall be drawn tight around the load and be firmly fastened.
- (4) Loads projecting beyond the front, rear or side of the vehicle shall be clearly marked in the prescribed manner in all cases where their projection might not be noticed by the drivers of other vehicles.
- (5) Passengers in the space reserved for goods on any vehicle which has been constructed or designed solely for the carriage of goods may be carried only on the prescribed conditions.
- (6) A person who contravenes this section is guilty of an offence.

## **Chapter IX Accidents and accidents reports**

### **88. Behaviour in case of accident**

- (1) A driver of a vehicle on a public road at the time when such vehicle is involved in or contributes to any accident in which any other person is killed or injured or suffers damage in respect of any property or animal:
  - (a) shall stop as soon as he can do so without causing an additional danger to traffic;
  - (b) shall endeavour to ensure road safety at the site of the accident, and, if a person has been killed or seriously injured in the accident to prevent any change in conditions at the site,

including the disappearance of traces which might be useful determining responsibilities: Provided that no person shall in a built up area remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest until such removal has been authorised by a police officer, except when such accident causes complete obstruction of the carriageway in which event the vehicle involved may without such authority and after its position has been clearly marked on the surface of the carriageway by the person moving it, be moved sufficiently to allow the passage of traffic;

- (c) if a person is injured, shall render such assistance to the injured person as he may be capable of rendering;
- (d) if required to do so by any person having reasonable grounds for so requiring, shall give his name and address, the name and address of the owner of the vehicle driven by him and, in the case of a motor vehicle the registration number and the name of the insurance company related to such vehicle;
- (e) shall notify the police and remain on the scene of the accident or return to it and wait there until such police arrive, unless he has been authorised by such police to leave or has to assist an injured person or to receive medical attention himself:

Provided that where no person has been injured or killed in an accident, responsibilities vis a vis minor damage when claims are not submitted to any insurance company, may be settled between the parties involved on the spot without any other formalities;

- (f) if it is not possible to report to the police officer pursuant to paragraph (e), shall, unless he is incapable of doing so by reason of injuries sustained by him in the accident, as soon as reasonably practicable, and in any case, within 24 hours after the occurrence of such accident, report the accident to any police station;
  - (g) shall not, except on instructions of or when administered by a medical practitioner in the case of injury or shock, take any intoxicating liquor unless he has complied with paragraph (f) where it is his duty to do so, and has been examined by a medical practitioner if such examination is required by a police officer.
- (2) A person who contravenes subsection (1) is guilty of an offence and liable to:
- (a) in any case of death or injury to a person and in which it is proved that he has failed to carry out any duty referred to in subsection (1), to M3000 and 3 years imprisonment;
  - (b) in any case of damage in respect of any property or animal and in which it is proved that he has failed to carry out any duty referred to in subsection (1), to M1000 and 1 year imprisonment.
  - (c) in any case referred to in subsection (1) (g), to M1000 and 1 year imprisonment; or
  - (d) in any other case to M300 and 3 months imprisonment.
- (3) In any prosecution for a contravention of any section hereof, it shall be presumed, until the contrary is proved, that the accused was aware of the fact that an accident occurred.

## 89. False accident report

A person who is required to make a report or furnish information pursuant to [section 88](#) and who knowingly makes a false report or knowingly furnishes false information shall be guilty of an offence and liable to M600 and 6 months imprisonment.

## Chapter X Penalties and legal procedure

### 90. Reckless or negligent driving

- (1) A person who drives a vehicle on a public road recklessly or negligently is guilty of an offence.
- (2) Without restricting the ordinary meaning of the word "recklessly", any person who drives a vehicle in wilful or wanton disregard for the safety of persons or property is deemed to drive that vehicle recklessly.
- (3) In considering whether an offence has been committed under subsection (1), the court shall have regard to all the circumstances of the case including but without prejudice to the generality of the foregoing the nature, conditions and use of the public road upon which the offence is alleged to have been committed, the amount of traffic which at the time actually was or which could reasonably have been expected to be upon that road and the speed at and the manner in which the vehicle was driven.
- (4) A person of an offence under subsection (1) is liable—
  - (a) in case of the court finding that the offence was committed by driving recklessly to M2000 and 2 years imprisonment; or
  - (b) in the case of the court finding that the offence was committed by driving negligently, to M1000 and 1 year imprisonment.

### 91. Inconsiderate driving

A person who drives a vehicle on a public road without reasonable consideration for any other person using that road is guilty of an offence.

### 92. Driving under the influence of drink or drug

A person, who drives or attempts to drive a motor vehicle on a public road while under the influence of drink or drug to such an extent as to be incapable of having proper control of the motor vehicle, is guilty of an offence and liable to M1000 and 1 year imprisonment.

### 93. Evidence of unfitness to drive

- (1) In proceedings for an offence under [section 92](#), the court shall, subject to subsection (4), have regard to any evidence which may be given of the proportion or quantity of alcohol or of any drug which was contained in the blood or present in the body of the accused, as ascertained by analysis or measurement of a specimen of blood taken from him with his consent by a medical practitioner, or of urine or breath provided by him, at any material time.
- (2) Where the accused, when so requested by a police officer, refuses to consent to the taking of or to provide a specimen of blood, urine, or breath, his refusal shall unless there is a reasonable cause therefore, be treated as supporting any evidence given on behalf of the prosecution with respect to his condition at the time.
- (3) In any proceedings referred to in subsection (1), a certificate purporting to be signed by an authorised analyst and certifying the proportion of alcohol or any drug, found in a specimen identified by the certificate and, in the case of a specimen not being a specimen of blood the proportion of alcohol or of that drug in the blood which corresponds to the proportion found in the specimen, shall be evidence of the matters so certified but no such certificate shall be admissible in evidence unless a copy thereof has been served on the accused not less than 3 days before the hearing or trial.

- (4) Where the accused, at the time of a specimen of blood or urine was taken from or provided by him, asked to be supplied with a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible on behalf of the prosecution unless:
  - (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and
  - (b) the other specimen or part was supplied to the accused.
- (5) Notwithstanding subsection (1) no regard shall be given to evidence of alcohol obtained from a specimen of breath unless such specimen was provided for a breath test carried out by means of a device approved for the purpose by the Minister.
- (6) An accused shall be deemed to be incapable of having proper control of a motor vehicle under section 92 if—
  - (a) in the case of a blood test, the amount of alcohol found in the blood exceeds 80 milligrams for 100 millilitres of blood;
  - (b) in the case of a urine test, the amount of alcohol exceeds 107 milligrams for 100 millilitres of urine deemed to be equivalent of 80 milligrams of alcohol for 100 millilitres of blood;
  - (c) in the case of breath test, measurement shows an indication of an amount of alcohol exceeding 100 milligrams for 100 millilitres of blood.

#### **94. Refusal to provide specimen**

A person who, without reasonable excuse, fails to provide a specimen of blood, urine or breath is guilty of an offence and liable to M200.

#### **95. Unlawful acts in relation to vehicle**

- (1) A person who, without reasonable cause or the consent of the owner or person in lawful charge of a vehicle—
  - (a) sets the machinery thereof in motion;
  - (b) places such vehicle in gear;
  - (c) in any way interferes with the machinery, accessories or parts of such vehicle; or
  - (d) enters or climbs upon such vehicle, while such vehicle is on a public road; shall be guilty of an offence.
- (2) A person who, without the consent of the owner or person in lawful charge of any vehicle, rides in or drives such vehicle on a public road shall be guilty of an offence and liable to M1000 and 1 year imprisonment.
- (3) A person who without lawful excuse tampers with or wilfully damages a vehicle on public road, or any part of the equipment or the accessories of any such vehicle or throws any object at any such vehicle, shall be guilty of an offence.

#### **96. Furnishing false information**

Without prejudice to any other provision of this Act, a person who in connection with the furnishing of any information which to his knowledge, is to be or may be used for any purpose under this Act, makes a declaration or furnishes information which to his knowledge is false or in any material respect misleading shall be guilty of an offence.

## 97. Unlawful acts in relation to documents

- (1) A person who counterfeits or, with intent to deceive, alters, defaces, mutilates or adds anything to any certificate, licence or document issued or recognised in terms of this Act or who knowing that such certificate, licence or document has been so counterfeited, altered, defaced, mutilated or added to, uses that certificate, licence or document or permits that certificate, licence or document to be used by any other person, shall be guilty of an offence.
- (2) A person who—
  - (a) uses any certificate, licence or other document issued or recognised in terms of this Act of which he is not the holder; or
  - (b) permits any certificate, licence or other document issued or recognised in terms of this Act of which he is the holder to be used by another person; shall be guilty of an offence.

## 98. General penalty

A person convicted of an offence under this Act for which no penalty is expressly provided, is liable to M500 and 5 months imprisonment.

## 99. Spot fines

- (1) If a road user is suspected on reasonable grounds by a police officer to have committed any of the following offences —
  - (a) parking offences;
  - (b) driving or walking against yellow or red light at an intersection provided with traffic lights contrary to the regulations;
  - (c) violation of the rules of the road;
  - (d) using a vehicle with mechanical defects; and
  - (e) speeding; a police officer may issue a spot fine of M30 in the prescribed form to such road user.
- (2) A spot fine imposed pursuant to this section, shall be payable to a Sub-Accountant within 7 days from the date of issue of the fine.
- (3) If a road user opts against payment of the spot fine as shown in this section, the matter may be referred to a court which shall fine him M50 if it finds him guilty of an offence.

## 100. Presumption in regard to public road

Where in any prosecution under this Act it is alleged that an offence was committed on a public road, such road shall be presumed to be a public road until the contrary is provided.

## 101. Presumption in regard to weight ascertained by means of weighing device

Where in any criminal proceedings arising out of an alleged contravention of this Act, evidence in support of such contravention is given of any weight as ascertained by means of a weighbridge or other weighing instrument, such weight shall be deemed to be correct until the contrary is proved.

## 102. Proof of permissible maximum weight of motor vehicle

A document purporting to have been issued by a manufacturer and stating the permissible maximum weight of any particular model of motor vehicle manufactured by him, shall be prima facie evidence of the permissible maximum weight of such model.



**103. Presumption that owner drove or perked vehicle**

- (1) Where in any prosecution under this Act it is material to prove who was the driver of a vehicle, it shall be presumed until the contrary is proved that such vehicle was driven by the owner thereof.
- (2) Whenever a vehicle is parked in contravention of this Act it shall be presumed until the contrary is proved that such vehicle was parked by the owner thereof.

**104. Presumption in regard to officers**

In any prosecution under this Act the fact that any person purports to act or has purported to act as a police officer, examiner of vehicles or examiner, shall be prima facie evidence of his appointment and authority so to act:

Provided that this section shall not apply to a prosecution on charge relating to impersonation.

**105. Copy of entry in register or record of registering authority to be evidence**

A document purporting to be an extract from, or copy of, any entry contained in any register of record kept by the registering authority and purporting to be certified as such by such authority, shall in all courts and upon all occasions whatsoever be admissible as evidence and shall be prima facie evidence of the truth of the matters stated in such document without the production of any such register or record or any certificate, licence or other document upon which any entry may be founded.

## **Chapter XI Powers of Court**

**106. Production of driving licence and permit to Court**

- (1) Whenever a licensed driver is charged with any offence under this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident, he shall produce every licence and permit issued or valid under this Act of which he is the holder or duplicate thereof if he is not possession of the original, to the Court at the time of the hearing of the charge or at the time of the hearing of any appeal against a conviction on such charge.
- (2) A driver referred to in subsection (1), who fails without reasonable excuse, to produce every licence and permit, of which he is the holder, in terms of that subsection is guilty of an offence.

**107. Endorsement, suspension or cancellation of a licence or permit or disqualification**

Subject to [section 108](#), a court before which a person is convicted of an offence under this Act or of an offence at common law relating, in either case, to the driving of a motor vehicle or a failure to stop after or report an accident, may, in addition to imposing a sentence, issue an order, if the person convicted is—

- (a) a holder of a licence or of a licence and permit, that particulars of the conviction, sentence and any other order of the court consequent thereon be endorsed on such licence and permit and the registrar or clerk of such court shall endorse such licence and permit accordingly;
- (b) a holder of a licence or of a licence and permit, that such licence or licence and permit be suspended for such period as the court may deem fit or that such licence and permit be cancelled; or
- (c) if such person is not the holder of a licence, declaring him to be disqualified from obtaining a learner's or driver's licence either indefinitely or for such period as the court may deem fit:

Provided that the making of any endorsement in terms of this section may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of:

Provided further that this section shall not be construed as authorising the cancellation of a licence which is an international driving licence.

### **108. Duty of Court to order suspension or cancellation of a licence or permit**

- (1) Subject to subsection (4) a court before which a person is convicted of an offence referred to in [section 88](#) (1) (a), (b) and (c), [section 90](#) (4) or [section 92](#), shall—
  - (a) where such person is the holder of a licence or licence and permit and where such person has not previously been convicted of any such offence, issue an order that such licence or licence and permit be—
    - (i) suspended for such period, not being less than 6 months, or
    - (ii) cancelled; or
  - (b) if such person is not the holder of any licence or permit, issue an order disqualifying such person from obtaining a learner's or driver's licence either indefinitely or for a period of not less than 6 months.
- (2) Subject to subsection (4) any court before which a person is convicted of an offence referred to in subsection (1), shall,—
  - (a) if such person is the holder of a licence or a licence and permit and where such person has one previous conviction referred to in that subsection, issue an order that such licence or licence and permit be—
    - (i) suspended for such period, not being less than twelve months, as it may deem fit; or
    - (ii) cancelled; or
  - (b) if such person is not the holder of any licence or licence and permit, issue an order disqualifying such person from obtaining a learner's licence, either indefinitely or for a period of not less than twelve months.
- (3) Subject to subsection (4), any court before which a person is convicted of an offence referred to in subsection (1), shall—
  - (a) if such person is the holder of a licence or a licence and permit and if such person has two or more previous convictions referred to in that subsection, issue an order that such licence or licence and permit be cancelled; or
  - (b) if such person is not the holder of any licence or permit, issue an order indefinitely disqualifying such person from obtaining a learner's or driver's licence.
- (4) Nothing in this section contained shall be construed as authorizing the cancellation of a licence which is an international licence but such licence may be endorsed to the effect that it is not valid in Lesotho.
- (5) A licence or permit suspended or cancelled in terms of this section, shall be endorsed as provided for in [section 107](#) (a).
- (6) The making of any endorsement in terms of subsection (5) may be postponed by the court issuing the order until any appeal against the conviction or sentence or both has been disposed of.

### **109. Procedure subsequent to endorsement, suspension etc.**

- (1) Where a court has issued an order that any licence or permit be endorsed, suspended or cancelled, the registrar or clerk of such court shall advise the competent authority which issued such licence or permit of the conviction and sentence of the person concerned.

- (2) Where the court has issued an order that a person be disqualified from obtaining a learner's or driver's licence, the registrar or clerk of such court shall cause the Traffic Commissioner to be advised thereof and of the conviction and sentence of the person concerned.
- (3) Where the court has issued an order that a licence or permit be cancelled, the registrar or clerk of such court shall transmit such licence or permit to the authority which issued such licence or permit.
- (4) A licence or permit which has been suspended as a result of an order by a court shall, during the period of suspension, be retained by the registrar or clerk of such court, and at the expiration of such period, shall be returned to the person entitled thereto at his request.
- (5) whenever any licence or licence and permit are endorsed, or cancelled by a court, such endorsement, suspension or cancellation shall apply to every other licence or licence and permit held by the person concerned.

## **Chapter XII**

### **Additional powers and duties of officers**

#### **110. Powers and duties of police officer**

- (1) In addition to the powers and duties referred to elsewhere in this Act a police officer may—
  - (a) seize and impound any motor vehicle if he has reasonable grounds to suspect that the continuation of the use of such vehicle would cause danger to other road users or that the owner or driver of such vehicle would otherwise evade court proceedings or payment of a spot fine;
  - (b) by notice in writing, direct the owner of or person in charge of any vehicle, wherever found, which he considers not to be roadworthy, to produce such vehicle for inspection, examination or testing to the nearest available vehicle examiner at a time and place to be specified in such notice;
  - (c) in respect of any motor vehicle, demand from the owner thereof the production of any registration certificate, motor vehicle licence, motor dealer's licence, certificate of fitness or any like document where such like document was issued by a competent authority outside Lesotho;
  - (d) examine any motor vehicle in order to satisfy himself whether it is the motor vehicle in respect of which any document referred to in paragraph (c) was issued;
  - (e) impound any document referred to in paragraph (c) and produced to him, which appears to be invalid or which has been unlawfully altered or defaced or which has been put to an unlawful use and, where any document is so impounded, he shall issue a receipt therefor to the person concerned;
  - (f) require the driver or person in charge of any vehicle to furnish his name and address and give any other particulars required as to his identification;
  - (g) demand from any person the production of any licence authorizing him to drive a motor vehicle and the production of any document, article or other thing which such person is required to have in respect of any motor vehicle in terms of this Act;
  - (h) require any person in any vehicle to furnish his name and address and give any other particulars required as to his identification and to give such information as is in his power to give and which may lead to the identification of the driver or owner of such vehicle;
  - (i) require any person to give him any information which it is in the powers of such person to give and which may lead to the identification of the driver or owner of a vehicle at any time during any period;

- (j) at any time which is reasonable, having regard to the circumstances of the case, without previous notice and in the exercise of any power or the performance of any duty which in terms of this Act he is authorized to or requested to exercise or perform, enter any premises on which he has reason to believe that any vehicle is kept;
- (k) inspect or test or cause to be inspected or tested by a person whom he considers competent to do so, the brakes or any other part of any vehicle, or the equipment thereof, with a view to ascertaining whether such vehicle or equipment complies with this Act:

Provided that no such officer, unless he is also a qualified motor mechanic shall in the exercise of the authority hereby conferred to upon him, dismantle any of the mechanism or working parts of any motor vehicle and, if he does so dismantle such vehicle, he shall reassemble the dismantled mechanism or parts, unless required by the person in charge of the vehicle not to do so;

- (l) ascertained the dimensions of any vehicle or its load or the weight thereof with its load or the weight thereof unladen and, if necessary for that purpose require the vehicle to proceed to a weighbridge and require any person or goods to be removed from such vehicle;
- (m) drive any vehicle when necessary in the execution of his duties if, in the case of any motor vehicle, he is duly licensed to drive a motor vehicle of the class concerned.
- (n) if any person, being the driver or apparently in charge of a vehicle, appears to such police officer, by reason of his physical or mental condition, howsoever arising, to be incapable for the time being to be in charge of such vehicle, temporarily forbid such person from driving such vehicle and make such arrangements for the safe disposal or placing of the vehicle as in his opinion may be necessary or desirable in the circumstances;
- (o) regulate and control traffic upon any public road and give such direction as may, in his opinion, be necessary for the safe and efficient regulation of such traffic;
- (p) if the weight of any vehicle and the load thereon is unlawful in terms of this Act, prohibit the operation of such vehicle on a public road until such weight has been reduced or adjusted to comply with this Act; and
- (q) require any person to furnish his name and address and give any other particulars required as to his identification where, in the opinion of such officer, such person may reasonably be suspected of having committed an offence under this Act or is able to give evidence in regard to the commission or suspected commission of any such offence.

### **111. Powers and duties of vehicle examiner**

- (1) A vehicle examiner may inspect, examine or test any vehicle in order to determine whether it is roadworthy and for that purpose may dismantle the vehicle or any part thereof or its equipment or accessories:

Provided that he shall reassemble any vehicle so dismantled unless requested by the person in charge of the vehicle not to do so.

- (2) A vehicle examiner may drive any vehicle when necessary in the execution of his duties if, in the case of any motor vehicle of the class concerned.

### **112. Notice to discontinue use of vehicle**

- (1) If, in the opinion of any police officer or vehicle examiner, any vehicle is not roadworthy he may by notice in the prescribed form, served on the driver or owner of such vehicle, direct that such vehicle shall, subject to subsection (2), not be used on a public road.

- (2) A notice referred to in subsection (1)
  - (a) may contain conditions to the effect that the vehicle may continue to be used to reach any specified place or may continue to be used for a given time or under limitations as to speed or route or otherwise; and
  - (b) shall, in the case of a motor vehicle name the place where such vehicle shall be produced for examination and, in any other case, the police station at which the vehicle shall be produced for examination.
- (3) A police officer or vehicle examiner who intends to serve a notice as contemplated in subsection (1) may, in the case of a motor vehicle, remove motor vehicle licence and, in the case of a public motor vehicle, in addition the certificate of fitness.
- (4) A copy of the notice referred to in subsection (1) shall be forwarded to the vehicle examiner named in such notice as contemplated in subsection (2) (b), by the police officer or vehicle examiner concerned and he shall, where applicable, attach to such notice any motor vehicle licence and certificate of fitness removed by him in terms of subsection (3).
- (5) Where any vehicle is produced to a vehicle examiner named in a notice referred to in subsection (1), such examiner shall determine whether, in his opinion, the vehicle is in a roadworthy condition and, if he is of the opinion that the vehicle is in a roadworthy condition, he shall cancel such notice and return to the person entitled thereto any motor vehicle licence or certificate of fitness referred to in subsection (4).
- (6) Any person who operates any vehicle on a public road contrary to any notice referred to in subsection (1) and which has not been cancelled in terms of subsection (5) or any person who cancels a notice contrary to subsection (5), is guilty of an offence.

### **113. Failure to comply with instruction or direction of police officer or vehicle examiner**

- (1) Subject to subsections (2) and (3), any person who fails to comply, or who complies in a manner intended to deceive, with any instruction or direction given to him by a police officer or a vehicle examiner in terms of sections [110](#), [111](#) and [112](#) or obstructs, hinders or interferes with any such officer or examiner in the exercise of any power or performance of any duty under this Act, is guilty of an offence, and may without warrant, be arrested by any police officer.
- (2) Whenever the production of any document which is not required to be carried on the vehicle is demanded in terms of [section 110](#) (c) or (g), the production thereof at any police station within a period of 21 days of such demand shall be deemed to be sufficient compliance with that demand.
- (3) Whenever any document is produced in terms of subsection (2) at any police station, the officer in charge of such police station shall forthwith notify accordingly the officer who made the demand concerned and shall issue an acknowledgement of production of such document to the person producing it.

## **Chapter XIII Regulations**

### **114. Traffic Regulations**

- (1) The Minister may make regulations, in respect of any matter contemplated, required or permitted to be prescribed under this Act and generally as to the use of any vehicle on a public road, its construction and equipment, and the conditions under which it may be so used, and in any other respect for the better carrying out of the objects of this Act, and in particular, but without prejudice

to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:

- (a) the safety of traffic on a public road, including the restriction of the use of any such road or part thereof by such traffic and the duties of the users of any such road;
- (b) the identification of vehicles and, in relation to a motor vehicle, the size, shape, colour and character of the registration mark to be displayed under this Act and the means to be adopted to render any such mark easily distinguishable whether by night or by day, any such vehicle is operated on a public road;
- (c) the width, height and length of, the diameter of the wheels of, and the width, nature and condition of the tyres of any vehicle when operated on a public road;
- (d) the permissible maximum weight, laden or unladen, of any vehicle, the height and width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the projection or overhang of any load in any direction and the maximum weight to be transmitted to the road or any specified area thereof by any vehicle or by any part of such vehicle in contact with the road, when any vehicle referred to in this paragraph is operated on a public road;
- (e) the emission of exhaust gas, smoke, fuel, oil, visible vapour, sparks, ashes or grit from any vehicle operated on a public road;
- (f) excessive noise owing to the design or condition of any vehicle or the loading thereof, or to the design, condition or misuse of a silencer, or of a hooter, bell or other warning device, when any such vehicle is operated on a public road;
- (g) the particulars to be marked on any vehicle;
- (h) the towing or drawing of any vehicle by another vehicle on a public road;
- (i) the conditions under which any motor vehicle may be operated on a public road when fitted with steering apparatus on the left side;
- (j) the number, the nature and kind of lamps, including reflectors, to be carried by any vehicle operated on a public road, the position in which they shall be carried, the manner, conditions and times of the use of any lamp or lighting device which may endanger public safety;
- (k) the number and nature of brakes and for ensuring that brakes, silencers and steering gear shall be efficient and in proper working order, in respect of any vehicle operated on a public road;
- (l) generally regulating the use and control of any vehicle on a public road, its construction, equipment, width of track, dimensions, weight and use in respect of either chassis and body or chassis, body and load and the conditions under which it may be used;
- (m) in relation to a vehicle operated on a public road, the appliances to be fitted for signalling the approach thereof, for enabling the driver thereof to become aware of the approach of another vehicle from the rear, and for intimating any intended movement thereof and the use of any such appliances and securing that they shall be efficient and kept in proper working order;
- (n) the furnishing of accident reports and statistics of any nature whatsoever;
- (o) the determination of the number of passengers a public motor vehicle is adapted to carry and the number which may be carried, the general safety, comfort and convenience of passengers carried on or by a public motor vehicle and the conduct of the driver, conductor and passengers on such vehicle;
- (p) the specifications for the examination of any vehicle;
- (q) the methods of determining any fact which is required for the purpose of this Act;

- (r) any form or token which the Minister may deem expedient for the purpose of this Act and the nature and extent of any information to be furnished for the purpose of any such form;
  - (s) the fees to be charged for any purpose whatsoever under this Act;
  - (t) the carriage of persons as passengers on any vehicle which has been constructed or designed solely or chiefly for the carriage of goods and not for the carriage of passengers and their effects;
  - (u) the safety of traffic on any public road, the duty of any user of such road and the use of any road by any vehicle;
  - (v) the stopping and parking of any vehicle on any public road or portion thereof, including the regulation, supervision and control of parking places, including the introduction and control of parking meters;
  - (w) the appointment and licensing of parking attendants and the revocation of any such licence;
  - (x) the appointment of traffic guards and scholar patrols;
  - (y) the driver or conductor of or other person employed in connection with a vehicle plying for hire or accepting passengers for hire;
  - (z) the relative position on a public road of traffic of different speeds and classes;
  - (aa) the loading and off-loading of any vehicle on a public road;
  - (bb) the use of a hooter, bell, or other warning device and the conditions under which any such warning device may be used within any specified area;
  - (cc) establishment and appointment of a road safety council to promote road safety;
  - (dd) generally as to the use of any public road by traffic;
  - (ee) limiting the age of drivers of vehicles drawn by animals; and
  - (ff) enabling the registering authority, in the event of any person failing to do anything required of him under any regulation, to do such act and to recover the expenses thereof from the person so in default.
- (2) The power to make regulations for any purpose referred to in subsection (1), shall include the power to restrict or prohibit any matter or thing in relation to that purpose either absolutely or conditionally.
- (3) Any regulation under this section may be made to apply generally throughout Lesotho or within any specified part thereof or to any specified class of vehicle or person and may from time to time be applied by the Minister by notice in the *Gazette*, to any part of Lesotho or any class or description of vehicle.
- (4) Any regulation made under this section may provide penalties for any breach thereof, and may also provide for different penalties in case of successive or continuous breaches, but no penalty shall exceed a fine of M500 or imprisonment for a period of 3 months or both such fine and imprisonment.

## Chapter XIV Miscellaneous

### 115. Doubt concerning use or classification of motor vehicle

If for the purpose of this Act, any doubt should arise as to the use to which any vehicle is put or the classification of any vehicle, such doubts shall be referred to the Minister and his decision thereon shall be final.

**116. Circumstances in which vehicle and load not complying with this Act may be exempted**

The Minister may, subject to such terms and conditions as he may impose authorize in writing, either generally or specifically, on a public road in consultation with the Ministry responsible for the maintenance of roads, the use of a vehicle which does not comply with this Act or the conveyance on a public road of passengers or any load which does not comply with this Act.

**117. Refunds**

- (1) The registering authority may, if he is satisfied that any amount paid by a person was in excess of the amount properly chargeable under this Act; make a refund to such amount or any part thereof to such person.
- (2) The registering authority shall not make any refund under this section unless the claim therefor is received by him within 3 years after the date of the payment concerned.

**118. Information from records of registering authority**

The registering authority shall permit a police officer acting in the course of his duties, or any person authorized thereto by the Minister, to inspect any register or record kept by him under this Act and to make any extract therefrom and shall, upon payment of the appropriate fee provided for in the regulations, supply information from such register or record to any other person who, in the opinion of the registering authority, has reasonable grounds for seeking such information.

**119. Inspection**

- (1) The Minister may authorize any person to carry out any inspection which the Minister deems necessary for the purpose of ensuring that this Act is being complied with.
- (2) Any person who obstructs or hinders any person in the carrying out of any inspection referred to in subsection (1) is guilty of an offence.

**120. Variation of prescribed form**

The Minister may in such circumstances as he may deem expedient, authorize the registering authority to use, in substitution for a form prescribed for a particular purpose, a form which varies from such prescribed form, and such varied form shall be deemed to be the prescribed form for that purpose.

**121. Duplicate of document or token**

- (1) Where the registering authority is satisfied that any certificate, licence or another document or token issued by it in terms of this Act has been lost, destroyed or defaced or the figures or particulars thereon have become illegible, such registering authority shall, upon completion of the prescribed form and upon payment of the appropriate fee provided for in the regulations, issue a duplicate of any such document or token to the person to whom the original was issued with the word "duplicate" written thereon and the duplicate so issued shall have the same effect as the original document or token.
- (2) If, after the issue of any duplicate in terms of subsection (1) the original document or token is found, the person to whom it was issued shall take all reasonable steps to obtain possession thereof and return it without delay to the registering authority which issued the duplicate concerned.
- (3) Any person who contravenes or fails to comply with the provisions of subsection (2) shall be guilty of an offence.



## 122. Signature of documents

Any person who is unable to sign his name shall whenever his signature is required upon any document in terms of this Act impress in place thereof his right thumb print upon the space within which he would otherwise have been required to sign his name and, if his right thumb print is not available, he shall substitute therefor another of his fingerprints and in such latter event the document so marked shall then be endorsed by the officer concerned identifying the finger used.

## 123. Service of notices

- (1) Whenever in terms of this Act any notice is authorised or required to be served upon or given to any person, such notice shall either be served personally upon the person to whom it is addressed or be sent to him by registered post to his last known address.
- (2) Service by registered post in terms of subsection (1) shall be deemed to have been effected on the seventh day after the date stamped upon receipt for a registration issued by the post office which accepted the registered post containing the notice
- (3) A certificate by the officer who gave notice referred to in subsection (1), or by a person subordinate to such officer, stating the time, place and manner of the giving of such notice, shall be evidence that such notice was duly given unless and until the contrary is proved

## 124. Government bound by this Act

This Act shall bind the Government and any person in the service of the Government:

Provided that the Minister may, by notice in the *Gazette* exempt the Government or any department thereof or any such person from any provision of this Act, subject to such conditions as the Minister may determine.

## 125. Repeal

- (1) Subject to subsections (2) and (3), Division A Road Traffic, of the Road Traffic and Transport Order 1970 is repealed.
- (2) Any regulation, notice, order, prohibition, authority, permission, information or document issued, made, given or granted and any other action taken under any provisions of the law repealed by subsection (1) shall, if not inconsistent with the provisions of this Act, be deemed to have been issued, made, given, granted or taken under the corresponding provisions of this Act.
- (3) Any person appointed under the provisions of the repealed law to perform duties which are similar to those duties which would be required of a person appointed to an office under this Act, shall, whether or not he holds the qualifications in terms of this Act for such office, be deemed to have been appointed to such office in terms of this Act.