



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 20

1998

### AMENDMENT OF ROAD TRAFFIC REGULATIONS

The Minister of Works, Transport and Communication has under section 165 of the Road Traffic Ordinance, 1967 (Ordinance No 30 of 1967) made the regulations set out in the Schedule.

## SCHEDULE

1. In these regulations "the Regulations" means the Road Traffic Regulations promulgated under Government Notice No. 95 of 1967, as amended by Government Notices Nos. 88 of 1968, 97 and 123 of 1969, 130 of 1970, 176 of 1971, 51, 56, 58, 90, 144, 158 and 159 of 1972, 42, 124 and 164 of 1973, 30, 31, 135 and 238 of 1974, 1, 68, 87, 175, 214, 272, 310 and 341 of 1975, 214 and 400 of 1976, 61, 376 and 404 of 1977, 215 and 280 of 1978, 38 and 41 of 1979, AG. 131, AG.137 and AG.141 of 1981, AG. 8, AG. 9, AG. 151 and AG. 152 of 1982, AG. 123 and AG. 133 of 1983, AG. 2, AG. 56 and AG. 60 of 1984, 78 of 1985, 47 of 1990, 95 and 96 of 1992 and 48 and 102 of 1993, Act No. 1 of 1994, and Government Notices Nos. 190 of 1996 and 42 of 1997.

2. The following chapter is inserted after Chapter I of the Regulations:

### **"Chapter IA REGISTRATION AND LICENSING OF MOTOR VEHICLES**

#### **Definitions**

**15A.1** For the purposes of this Chapter -

"acceptable identification" means -

- (a) an identity document issued or recognised as a valid document for the purpose of proof of identity under any law relating to identity documents in force in Namibia;
- (b) in the case of -
  - (i) a company, a certificate of incorporation or name change issued in terms of the Companies Act, 1973 (Act No.61 of 1973); or
  - (ii) a close corporation, a founding statement or a certificate of name change issued in terms of the Close Corporations Act, 1988 (Act No. 26 of 1988); or
- (c) a traffic register number certificate in the case of -

- (i) a person who is not in possession of an identity document referred to in paragraph (a);
- (ii) a person carrying on a business, including farming activities; or
- (iii) a body of persons not referred to in paragraph (b);

“appropriate registering authority” means -

- (a) subject to paragraphs (b), (c) and (d), in relation to any matter referred to in this Chapter -
  - (i) in relation to a person, the registering authority in whose area such person permanently resides;
  - (ii) in relation to a person carrying on a business, including farming activities, the registering authority in whose area such business is situated, provided that every branch of such business shall be deemed to be a separate business;
  - (iii) in relation to a body of persons which has a fixed address, the registering authority in whose area such address is, provided that every branch of such body shall be deemed to be a separate body of persons; or
  - (iv) in relation to a body of persons which does not have a fixed address, the registering authority in whose area the proxy or representative of such body permanently resides, provided that every branch of such body shall be deemed to be a separate body of persons;
- (b) in relation to the registration of a motor vehicle -
  - (i) subject to subparagraphs (ii), (iii), (iv) and (v), the appropriate registering authority of the title holder;
  - (ii) if the manufacturer, builder or importer of such motor vehicle has been appointed as a registering authority, such

- manufacturer, builder or importer, until a registration certificate has been issued in respect of such motor vehicle;
- (iii) of which the title holder is a Government ministry which has been appointed as a registering authority, such ministry;
  - (iv) of which the title holder is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons as the Minister of Foreign Affairs may determine, the Ministry of Foreign Affairs; or
  - (v) of which the title holder does not permanently reside in Namibia, the appropriate registering authority referred to in paragraph (c);
- (c) in relation to the licensing of a motor vehicle -
- (i) subject to subparagraphs (ii) and (iii), the appropriate registering authority of the owner;
  - (ii) of which the owner is a Government ministry which has been appointed as a registering authority, such ministry; or
  - (iii) of which the owner is a foreign government, diplomat representing a foreign country, international or intergovernmental organization or any person or class of persons as the Minister of Foreign Affairs may determine, the Ministry of Foreign Affairs;
- (d) in relation to any other matter and in any circumstances not provided for in the preceding paragraphs, the registering authority nominated by the Minister;

“banking institution” means a banking institution as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);

“body of persons”, in relation to the title holder or owner of a motor vehicle

means, a body of persons, whether a body corporate or not, and includes -

- (a) two or more persons who are joint title holders or owners of such motor vehicle, but excluding joint title holders or owners who are husband and wife married in community of property; and
- (b) a Government ministry;

“builder” means any person who manufactures or assembles motor vehicles in whole or in part from used components for the purpose of trade;

“clearance certificate” means a certificate referred to in regulation 15A.23(2)(e);

“Government ministry” means a ministry, an agency or an office as defined in section 1 of the Public Service Act, 1995 (Act No 13 of 1995);

“importer” means any person who imports new or used motor vehicles into Namibia for the purpose of trade;

“manufacturer” means a person who manufactures or assembles new motor vehicle for the purpose of trade;

“motor cycle” means -

- (a) a motor vehicle which is carried on two wheels, either with or without a side-car attached;
- (b) a motor tricycle, being a motor vehicle which is carried on three wheels and equipped with driving controls similar to that of a two wheeled motor cycle; or
- (c) a motor quadrucycle, being a motor vehicle which is carried on four wheels and equipped with driving controls similar to that of a two wheeled motor cycle;

“motor trade number” means a motor trade number referred to in regulation 15A.36;

“motor trade number registration certificate” means the certificate referred to in regulation 15A.38;

“motor trade number clearance certificate” means the certificate referred to in regulation 15A.42;

“motor transport contractor” means a person who carries on a business of delivering motor vehicles of which such person is not the owner;

“motor vehicle licence” means a licence referred to in regulation 15A.23;

“owner”, in relation to a vehicle, means –

- (a) the person having the right to the use and enjoyment of the vehicle in terms of the common law;
- (b) the person having the right to the use and enjoyment of the vehicle under a contract with the title holder thereof, including for any period during which such person fails to return the vehicle to the title holder when required to do so in terms of any condition of such contract; or
- (c) a motor vehicle dealer who is in possession of a vehicle for the purpose of sale,

and who is indicated as the owner of the vehicle in any document of registration issued in accordance with this Chapter;

“registration certificate” means a certificate issued to the title holder of a motor vehicle in terms of regulation 15A.13;

“registration number” means a number or a combination of a registration mark and a number referred to in regulation 15A.25;

“special permit” means a permit referred to in regulation 15A.50(1)(b);

“temporary permit” means a permit referred to in regulation 15A.50(1)(a);

“title holder”, in relation to a vehicle, means the person who –

- (a) is vested with the right to alienate such vehicle in terms of the common law; or

- (b) is required to give permission for its alienation in terms of any contract with a person who is the owner of the vehicle as contemplated in paragraph (b) of the definition of "owner".

(2) Until such date as the Minister may, by notice in the *Gazette* determine otherwise -

- (a) any reference in this Chapter, except in regulations 15A.5(c) and 15A.20(f), to the title holder of a motor vehicle shall be construed as a reference to the owner of such motor vehicle; and
- (b) the owner of a motor vehicle shall be charged with all the duties and responsibilities imposed on a title holder by or under the provisions of this Chapter.

## PART 1

### REGISTRATION OF MOTOR VEHICLES

#### **Motor vehicle to be registered**

**15A.2** Subject to regulations 15A.3 and 15A.4, every motor vehicle in a registering authority area to which the provisions of this Chapter are applicable, whether or not it is operated on a public road, shall be registered by the title holder thereof, in accordance with the provisions of this Part, with the appropriate registering authority.

#### **Motor vehicle deemed to be registered**

**15A.3 (1)** Subject to subregulation (3), a motor vehicle which is registered and licensed in terms of any law of any country other than Namibia and which was not permanently or ordinarily kept in Namibia when it was registered and licensed in terms of that law, shall be deemed to be registered in terms of this Part while being operated in Namibia by or on behalf of the person in whose name such vehicle is registered and licensed.

(2) Subject to subregulation (3), a motor vehicle which is registered in accordance with a law of a contracting State to the Convention and in accordance with the terms of the Convention, shall be deemed to be registered in terms of this Part while in Namibia -

- (a) during a continuous period of 12 months calculated from the date on which such motor vehicle is brought into Namibia; or
- (b) until the registration ceases to be of force and effect in terms of the Convention,

whichever event is the earlier, and such vehicle may, notwithstanding anything to the contrary contained in this Part, be operated on a public road while it complies with the provisions of the Convention.

(3) A motor vehicle referred to in subregulation (1) or (2) shall no longer be deemed to be registered if such vehicle does not comply with the provisions of the relevant subregulation while in Namibia.

#### **Motor vehicle exempt from registration**

**15A.4 (1)** The following motor vehicles shall not be required to be registered in accordance with this Part, namely, a motor vehicle -

- (a) which is propelled by electrical power derived from overhead wires;
- (b) which has crawler tracks;
- (c) which is not self-propelled, other than a caravan, is not designed principally for the conveyance of persons or goods, or both, and is not operated on a public road;
- (d) which by reason of its dimensions or the mass thereof or the mass of a part thereof may not be operated on a public road in terms of the Ordinance, and which is not so operated;
- (e) referred to in paragraph (c) and which is drawn by a tractor, whether or not it is operated on a public road;
- (f) of which the Ministry of Defence is the title holder and owner;
- (g) which is designed exclusively for racing, including a micro midget car or cart or a go-cart, if such motor vehicle is not operated on a public road; or

(h) which is a self-propelled lawnmower.

(2) For the purposes of subregulation (1)(c), a motor vehicle shall not be considered to be operated on a public road -

(a) while it is being driven to the premises of the owner in order to take delivery thereof;

(b) while it is being driven across or along a public road from the one premises of the owner to another over a distance of not more than one kilometre; or

(c) while it is proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.

(3) If a motor vehicle which is exempt from registration by subregulation (1)(c) is operated on a public road contrary to the provisions of subregulation (2), the title holder of such motor vehicle shall be liable for the registration thereof on the date referred to in regulation 15A.6(1)(a)(vii).

#### **Date on which registration of motor vehicle becomes null and void**

**15A.5** The registration of a motor vehicle becomes null and void -

(a) on the date of change of the title holder or of the owner of the motor vehicle: Provided that if the title holder or owner of a motor vehicle is a partnership and a change of title holder or owner of such motor vehicle occurs by reason of one of the partners dying or ceasing to be a partner of such partnership or a new partner being admitted thereto, the registering authority concerned may, upon written application to it by or on behalf of such partnership, determine that no change of title holder or owner shall be deemed to have occurred in respect of such motor vehicle;

(b) on the date on which a deregistration certificate in respect of the motor vehicle concerned is issued in terms of regulation 15A.15, 15A.59(4)(b) or 15A.60(3)(c);

(c) if the motor vehicle is subject to an instalment sale transaction, or

leasing transaction as defined in the Credit Agreements Act, 1980 (Act No.75 of 1980), upon expiry of a period of 31 days from the date of repossession of that motor vehicle by the title holder: Provided that the registration of a motor vehicle in respect of which the owner fulfils his or her obligation in terms of section 12 of that Act, does not become null and void;

- (d) if the motor vehicle is acquired from the estate of a deceased person, on the date on which the motor vehicle is acquired or the estate is wound up whichever date is the earlier; or
- (e) on a date determined by the Minister in any circumstances not contemplated in this regulation.

#### **Date and conditions on which motor vehicle is to be registered**

**15A.6** (1) Subject to the provisions of subregulation (2), liability for the registration of a motor vehicle shall arise -

- (a) in the case of a motor vehicle to be registered for the first time in Namibia -
  - (i) if the motor vehicle was manufactured on or after a date to be determined and notified by the Minister by notice in the *Gazette*, on the date of completion of the manufacture of such motor vehicle;
  - (ii) if the motor vehicle was built by a builder on or after a date to be determined and notified by the Minister by notice in the *Gazette*, on the date of completion of the building of such motor vehicle;
  - (iii) if the motor vehicle was built up from parts by a person other than a builder, on the date of completion of the building of such motor vehicle;
  - (iv) if the motor vehicle was imported by an importer on or after a date to be determined and notified by the Minister by notice in the *Gazette*, on the date of arrival of such

vehicle in Namibia or on the date on which such motor vehicle is cleared in terms of the provisions of the customs and excise legislation, if applicable;

- (v) subject to the provisions of regulation 15A.3, if the motor vehicle was acquired outside Namibia, on the date such motor vehicle is brought into Namibia or on the date on which such motor vehicle is cleared in terms of the customs and excise legislation, if applicable;
  - (vi) if it is a motor vehicle which is deemed to be registered in terms of regulation 15A.3, on the date that the provisions of that regulation cease to apply to such vehicle; or
  - (vii) if it is a motor vehicle which is exempted from registration in terms of regulation 15A.4 and such exemption is withdrawn or is no longer applicable, on the date of such withdrawal or when such exemption no longer applies;
- (b) in the case of a motor vehicle which was previously registered in Namibia -
- (i) on the date on which the registration of such vehicle becomes null and void in terms of regulation 15A.5(a), (c) or (d) or, if applicable, 15A.5(e); or
  - (ii) which was stolen and deregistered in terms of regulation 15A.59(4) and is recovered, on the date of release of such motor vehicle by the Police; or
- (c) on a date determined by the Minister in any circumstances not contemplated in the preceding provisions of this subregulation.

(2) Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1)(b) may be operated on a public road for a period of 21 days after the date of liability referred to in this regulation in order to register such vehicle while the registration number allocated thereto and the clearance certificate issued in respect thereof are displayed in the manner contemplated in regulations 15A.32 and 15A.34 respectively.

(3) If it is an issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date so alleged shall be deemed, in the absence of evidence to the contrary, to be the date referred to in that subregulation.

### **Manner of application for registration of motor vehicle**

**15A.7** (1) An application for the registration of a motor vehicle, other than a motor vehicle referred to in regulation 15A.14, shall be made within 21 days after the date of liability referred to in regulation 15A.6, to the appropriate registering authority on a form approved by the Minister.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) the acceptable identification of the title holder of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the acceptable identification of the owner of the motor vehicle and, in the case of a body of persons, that of its proxy and representative and a letter of proxy;
- (c) the appropriate registration fees referred to in Schedule 2 of the Ordinance, and, if applicable, any penalties and arrear fees as referred to in regulations 15A.62 and 15A.64;
- (d) if the motor vehicle is registered, the registration certificate concerned;
- (e) in the case of a motor vehicle which is being registered for the first time -
  - (i) if required, the particulars of the motor vehicle furnished in a form approved by the Minister;
  - (ii) if it is a new motor vehicle, a certificate from the manufacturer, builder or importer of such motor vehicle containing the following information in respect of the motor vehicle -

- (aa) the chassis number expressed in not more than 17 alpha-numerical characters;
  - (bb) if applicable, the engine number expressed in not more than 20 alpha-numerical characters;
  - (cc) the make expressed in not more than 30 alpha-numerical characters;
  - (dd) the model name expressed in not more than 20 alpha-numerical characters, and the model-derivative expressed in not more than 20 alpha-numerical characters, neither of which, for the purpose of this subregulation shall include the year of manufacture;
  - (ee) except in the case of a motor cycle, the tare in kilograms expressed in not more than five figures;
  - (ff) if applicable, the engine capacity in cubic centimetres expressed in not more than five figures;
  - (gg) in the case of a mini-bus, bus or goods vehicle, the gross vehicle mass in kilograms expressed in not more than six figures;
  - (hh) if applicable, the nett engine power to the nearest kilowatt expressed in not more than three figures;  
and
    - (ii) the main colour of the motor vehicle.
- (f) if the tare has changed due to any reason, a mass measuring certificate referred to in regulation 15A.71;
- (g) if applicable, a Police clearance in respect of the motor vehicle;  
and
- (h) if required by the registering authority -

- (i) proof of the right to be registered as title holder of the motor vehicle concerned;
- (ii) proof of compliance with the provisions of the customs and excise legislation and any other law relating to taxation;
- (iii) where doubt exists regarding the tare of the motor vehicle concerned, a mass measuring certificate referred to in regulation 15A.71; or
- (iv) any other documentation required by the Minister.

(3) If liability for the registration of a motor vehicle arises due to the sale of such motor vehicle by a motor dealer to a banking institution for the purpose of the resale or the lease of such motor vehicle by such banking institution to its client, and if the appropriate registering authority of the title holder of such motor vehicle is the same authority as that of such motor dealer, the motor dealer concerned shall submit the application referred to in subregulation (1) to the appropriate registering authority.

(4) If the title holder of the motor vehicle concerned does not permanently reside or carry on business in Namibia, the owner of such motor vehicle shall submit the application referred to in subregulation (1) to the appropriate registering authority.

#### **Additional requirements for registration of motor vehicle built up from parts**

**15A.8** An application for the registration of a motor vehicle referred to in regulation 15A.6(1)(a)(iii) shall, in addition to the requirements and documents referred to in regulation 15A.7, be accompanied by -

- (a) an affidavit, on a form approved by the Minister, stating the parts used, the person from whom such parts were acquired and, attached to such form, the receipts of the purchase or donation of such parts;
- (b) if such motor vehicle has been built up from a motor vehicle which has become permanently unfit for use as a motor vehicle and has been deregistered in terms of regulation 15A.60(3), the deregistration certificate in respect of such motor vehicle; and

- (c) a Police clearance in respect of the motor vehicle.

**Additional requirements for registration of deregistered motor vehicle**

**15A.9** An application for the registration of a motor vehicle which was stolen and recovered shall, in addition to the requirements and documents referred to in regulation 15A.7, be accompanied by a Police clearance issued in respect of such vehicle.

**Additional requirements for registration of motor vehicle acquired from a deceased estate**

**15A.10** An application for the registration of a motor vehicle which has been acquired from the estate of a deceased person shall, in addition to the requirements and documents referred to in regulation 15A.7, be accompanied by a document substantiating the acquisition of such motor vehicle.

**Additional requirements for registration of motor vehicle acquired by repossession by title holder**

**15A.11** An application for the registration of a motor vehicle referred to in regulation 15A.5(c) shall, in addition to the requirements and documents referred to in regulation 15A.7, be accompanied by a certified copy of -

- (a) the court order; or
- (b) the voluntary surrender documentation: Provided that, if such documentation cannot be obtained, an affidavit made by the title holder of that motor vehicle explaining the circumstances under which the vehicle was repossessed may be submitted as proof of the right of the title holder to repossess such motor vehicle.

**Additional requirements for registration of motor vehicle which is registered outside Namibia**

**15A.12** An application for the registration of a motor vehicle referred to in regulation 15A.6(1)(a)(v) or (vi) shall, in addition to the requirements and documents referred to in regulation 15A.7, be accompanied by -

- (a) proof of compliance with the provisions of customs and excise legislation and any other law relating to taxation;
- (b) if such motor vehicle is registered outside Namibia, the documents

relating to the registration and licensing of the motor vehicle concerned issued in the country where such motor vehicle is registered; and

- (c) a Police clearance certificate issued in the country of origin in respect of the motor vehicle: Provided that only a Police clearance certificate (SAP 263) shall be accepted when issued by the South African Police Vehicle Theft Units stationed at the following places:
  - (a) in the case of a vehicle leaving the Republic of South Africa on its own power and by road at -
    - (i) Zeerust;
    - (ii) Upington; and
    - (iii) Springbok; and
  - (b) in the case of a vehicle leaving the Republic of South Africa not on its own power and by road, at the place where such vehicle is loaded.

### **Manner of registration**

**15A.13** (1) On receipt of the application referred to in regulation 15A.7, the registering authority may, and, if the applicant so requires, shall, issue an assessment showing the penalties and fees referred to in regulation 15A.62 and 15A.64, for the registration of the motor vehicle concerned.

(2) The registering authority shall, subject to the provisions of regulation 15A.64(2) on payment of the amount referred to in subregulation (1), and if satisfied that the application is in order -

- (a) register the motor vehicle concerned;
- (b) record in the register of motor vehicles the particulars of the motor vehicle concerned and of the title holder and of the owner thereof; and
- (c) issue a registration certificate on a form approved by the Minister.

(3) The title holder shall upon registration of the motor vehicle, forthwith notify the owner of such registration.

**Manner of registration by a manufacturer, builder or importer**

**15A.14** (1) With effect from such date as may be determined and notified by the Minister by notice in the *Gazette*, a manufacturer, builder or importer shall, within 7 days from the date on which liability arises in terms of regulation 15A.6(1), register the motor vehicle manufactured, built or imported by such manufacturer, builder or importer.

(2) A manufacturer, builder or importer referred to in subregulation (1) shall not be liable for payment of the registration fees referred to in Schedule 2 to the Ordinance.

**Deregistration of motor vehicle which becomes exempt from registration**

**15A.15** (1) If a registered motor vehicle becomes exempt from registration in terms of regulation 15A.4, the title holder of such motor vehicle shall apply to the appropriate registering authority, on a form approved by the Minister, for the deregistration of such motor vehicle.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) the acceptable identification of the title holder and, if the title holder is a body of persons, that of its proxy and representative and a letter of proxy; and
- (b) the registration certificate of the motor vehicle concerned.

(3) If, on receipt of an application in terms of subregulation (1), the registering authority is satisfied that the application is in order, it shall -

- (a) issue, in a form approved by the Minister, a deregistration certificate to the title holder of the motor vehicle concerned; and
- (b) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles.

**PART II**  
**LICENSING OF MOTOR VEHICLES**

**Motor vehicle to be licensed**

**15A.16** Subject to the provisions of regulations 15A.17 and 15A.18, every motor vehicle in Namibia shall, whether or not it is operated on a public road, be licensed by the owner of such motor vehicle, in accordance with the provisions of this Part, with the appropriate registering authority.

**Motor vehicle deemed to be licensed**

**15A.17** (1) Notwithstanding anything to the contrary contained in this Part, a motor vehicle which is deemed to be registered in terms of regulation 15A.3 or 15A.75 shall be deemed to be licensed in terms of this Part.

(2) A motor vehicle owned by a motor dealer for the purposes of sale or exchange in the course of his or her business as a motor dealer and if such motor vehicle is not operated on a public road, except under a motor trade number, shall be deemed, notwithstanding anything to the contrary contained in this Part, to be licensed in terms of this Part.

(3) A motor vehicle referred to in subregulation (1), shall no longer be deemed to be licensed, with effect from the date referred to in regulation 15A.3(3), and the owner of such motor vehicle shall be liable to licence such motor vehicle in terms of this Part.

**Motor vehicle exempt from licensing**

**15A.18** A motor vehicle which is exempt from registration in terms of regulation 15A.4, shall not be required to be licensed in terms of this Part.

**Motor vehicles exempt from motor vehicle licence fees**

**15A.19** (1) The following motor vehicles shall be exempt from the payment of motor vehicle licence fees, namely a motor vehicle -

- (a) which is a trailer, other than a semi-trailer;

- (b) which is self-propelled and is a tractor, water boring machine, threshing machine, harvester, harrow, mower, baler, scraper, leveller, spraying machine, crane, plough or a similar vehicle, the owner of which is a bona fide farmer, and which is used only in connection with such farmer's own farming activities;
- (c) which is not designed principally for the conveyance of goods or persons or both on a public road and which incorporates permanently machinery for the purposes of -
  - (i) road-making;
  - (ii) road-sweeping;
  - (iii) earthmoving;
  - (iv) excavation;
  - (v) pipe-laying;
  - (vi) construction;
  - (vii) water-boring;
  - (viii) loading;
  - (ix) lifting;
  - (x) internal handling;
  - (xi) drilling; or
  - (xii) any like purpose determined by the Minister;
- (d) which is a trailer for pre-mix purposes;
- (e) which is a mobile hammer;
- (f) which is commonly known as a stock-car, racing car or a racing

motor cycle, which is used solely for racing purposes and which is certified as such by the secretary of the racing club of which the owner of the motor vehicle is a member and such motor vehicle is not operated on a public road;

- (g) which is in the opinion of the Minister over 40 years of age, and which is used only for -
  - (i) any race or sport referred to in section 129 of the Ordinance;
  - (ii) an event organized by a properly constituted motor club;
  - (iii) exhibition purposes; or
  - (iv) travelling to and from a filling station for the purpose of filling the motor vehicle with petrol; or
- (h) which is designed or adapted solely or principally for fighting fires and which is registered as a fire-fighting vehicle; or
- (i) which may only be operated on a public road under an exemption in terms of the Ordinance.

(2) For the purposes of this regulation, a vehicle shall not be considered to be operated on a public road while -

- (a) it is being driven on a public road to the premises of the owner in order to take delivery thereof;
- (b) it is being driven across or along a public road from one premises of the owner to another over a distance of not more than one kilometre; or
- (c) it is proceeding to or from a place where repairs are to be or have been effected to such motor vehicle.

(3) If a motor vehicle referred to in subregulation (1) is operated on a public road, contrary to the provisions of subregulation (2), such motor vehicle shall no longer be exempt in terms of this regulation and the owner of such motor

vehicle shall be liable for the licensing thereof with effect from the date it is so operated.

(4) The owner of a motor vehicle, other than a motor vehicle being used for the conveyance of persons or goods for reward, who -

- (a) receives a pension in terms of the Military Pensions Act, 1976 (Act No.84 of 1976);
- (b) suffers from a pensionable disability which has been determined at not less than 50 per cent in terms of that Act; and
- (c) by reason of such disability requires the use of such motor vehicle to enable him or her to earn his or her livelihood,

may apply to the Minister, on a form approved by the Minister, to be exempt in respect of such motor vehicle from the payment of motor vehicle licence fees, and such application shall be accompanied by the acceptable identification of the owner and any additional information or documents as may be required by the Minister.

(5) On receipt of an application in terms of subregulation (4), the Minister shall -

- (a) consider the application;
- (b) notify the applicant concerned and the appropriate registering authority of his or her decision; and
- (c) if the application is granted,
  - (i) issue a certificate of exemption on a form approved by the Minister; and
  - (ii) record such exemption in the register of motor vehicles.

(6) On receipt of the certificate of exemption referred to in subregulation (5)(c)(i), the owner shall submit that certificate to the appropriate registering authority when applying for the licensing of the motor vehicle in terms of regulation 15A.22 or 15A.27.

**Date on which motor vehicle licence and clearance certificate of a motor vehicle becomes null and void**

**15A.20** The motor vehicle licence and clearance certificate of a motor vehicle shall become null and void on the date -

- (a) referred to in regulation 15A.5(a), 15A.23(4) or 15A.28(1);
- (b) on which a new registration number is allocated in respect of the motor vehicle in terms of regulation 15A.26;
- (c) of issue of an acknowledgement of receipt in terms of regulation 15A.59(4)(c) or 15A.60(3)(b) in respect of the motor vehicle concerned.
- (d) of deregistration of such motor vehicle in terms of this Chapter;
- (e) on which the motor vehicle is acquired or the estate is wound up, whichever date is the earlier, if the motor vehicle concerned is acquired from the estate of a deceased person;
- (f) if the motor vehicle is subject to an instalment sale transaction or leasing transaction, 31 days from the date of repossession of the motor vehicle by the title holder: Provided that the motor vehicle licence and clearance certificate of a motor vehicle of which the owner fulfils his or her obligation in terms of section 12 of the Credit Agreements Act, 1980 does not become null and void; or
- (g) determined by the Minister in any circumstances not contemplated in the preceding provisions of this regulation.

**Date on which motor vehicle is to be licensed**

**15A.21** (1) Subject to the provisions of subregulation (3), liability for the licensing of a motor vehicle shall arise on the date -

- (a) on which liability for the registration of such motor vehicle arises in terms of regulation 15A.6;
- (b) on which a new registration number is allocated in respect of the motor vehicle in terms of regulation 15A.26;

- (c) referred to in regulation 15A.28(1);
- (d) of expiry of the licence of such motor vehicle in terms of regulation 15A.24;
- (e) of release by the Police of a stolen motor vehicle which has been recovered and which has not been deregistered in terms of regulation 15A.59(4); or
- (f) determined by the Minister in any circumstances not contemplated in the preceding provisions of this subregulation.

(2) The date of liability referred to in subregulation (1)(d) shall be construed to arise on the first day of the month following the date of expiry of the existing licence.

(3) Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date referred to in that subregulation, be operated on a public road while the registration number allocated to such motor vehicle and the clearance certificate issued in respect of such motor vehicle, prior to the date on which the motor vehicle licence and clearance certificate became null and void, are displayed in the manner contemplated in regulations 15A.32 and 15 A.34.

(4) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date so alleged shall be deemed, in the absence of evidence to the contrary, to be the date referred to in that subregulation.

#### **Manner of application for licensing of motor vehicle**

**15A.22 (1)** An application for the licensing of a motor vehicle, shall be made by the owner of such motor vehicle, within 21 days after the date of liability referred to in regulation 15A.21, on a form approved by the Minister, to the appropriate registering authority: Provided that the owner may licence his or her motor vehicle on any date prior to the date of liability referred to in that regulation for a further period of 12 months and the provisions of subregulation (3) are applicable to such transaction.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) acceptable identification of the owner of the motor vehicle and, if the owner is a body of persons, acceptable identification of its proxy and representative and a letter of proxy;
- (b) the appropriate motor vehicle licence fees referred to in Schedule 2 of the Ordinance;
- (c) if applicable, the penalties and arrear licence fees referred to in regulations 15A.62 and 15A.64;
- (d) if required in terms of section 160 of the Ordinance, a roadworthy certificate;
- (e) if applicable, a certificate of exemption referred to in regulation 15A.19(5)(c) or 15A.72(2)(c);
- (f) if the motor vehicle is owned by the Police, a registration number referred to in regulation 15A.25(3);
- (g) if applicable, the motor vehicle licence;
- (h) if required in terms of Chapter IV of the Ordinance, a valid certificate of fitness or a photocopy thereof.

(3) If an application is made in terms of subregulation (1) and the owner of the motor vehicle submits a motor vehicle licence of which the period of validity has not yet expired, the fees payable for the licence so applied for shall be reduced by one twelve per month or part thereof for every month such licence is still valid: Provided that the motor vehicle licence fees payable for the licence in respect of a motor vehicle referred to in regulations 15A.15, 15A.59(1)(c) and 15A.60(1)(b), shall not be so reduced.

#### **Manner of licensing of motor vehicle**

**15A.23** (1) On receipt of the application referred to in regulation 15A.22, the registering authority may, and, if the applicant so requires, shall,

issue an assessment showing the fees and penalties referred to in regulation 15A.22(2)(b) and (c), for the licensing of the motor vehicle concerned.

(2) The registering authority shall, subject to the provisions of regulation 15A.64(2), on payment of the amount referred to in subregulation (1), and if satisfied that the application is in order -

- (a) licence the motor vehicle concerned;
- (b) allocate a registration number to the motor vehicle concerned, if applicable;
- (c) update the particulars pertaining to the motor vehicle in the register of motor vehicles;
- (d) issue, in a form approved by the Minister, a motor vehicle licence to the owner of the motor vehicle;
- (e) subject to the provisions of subregulation (4), issue, in a form approved by the Minister, a clearance certificate which serves as proof that the motor vehicle is licensed; and
- (f) issue a confirmation in a form approved by the Minister, if applicable.

(3) The clearance certificate referred to in subregulation (2)(e) shall be completed in black non-fading ink.

(4) If a roadworthy certificate is required and the application referred to in regulation 15A.22 is not accompanied by such certificate, the registering authority shall not issue a clearance certificate, until the owner of such motor vehicle submits such roadworthy certificate: Provided that if such roadworthy certificate is submitted after the month in which such motor vehicle is licensed, the licence of such motor vehicle shall become null and void on the day such roadworthy certificate is submitted and on such date the owner shall become liable for the licensing of such vehicle.

(5) When the owner of the motor vehicle referred to in subregulation (4) obtains a roadworthy certificate, such owner shall -

- (a) submit such certificate to the appropriate registering authority; and
- (b) apply on a form approved by the Minister, for a clearance certificate in respect of the motor vehicle concerned.

#### **Period of validity of motor vehicle licence and clearance certificate**

**15A.24** A motor vehicle licence and clearance certificate shall be valid for a period of 12 months from the first day of the month in which such licence and clearance certificate were issued and the date of expiry of such licence shall be shown on the motor vehicle licence and clearance certificate: Provided that if the owner applies for the renewal of the current licence and clearance certificate in terms of regulation 15A.27(2) before the expiry date of such licence and clearance certificate, the period of validity of the new licence and clearance certificate shall be calculated from the first day of the month which follows on the expiry date of the current licence and clearance certificate.

#### **Registration number of motor vehicle**

**15A.25** (1) Subject to the provisions of subregulations (3) and (4), every motor vehicle licensed in Namibia shall be allocated with a registration number which shall consist of a combination of the letter N, denoting Namibia, a maximum of six numbers followed by a registration mark comprising a maximum of two letters denoting the registering authority at which the motor vehicle is registered.

(2) The Minister shall, by notice in the *Gazette*, determine the letters denoting each registering authority in Namibia, but such letters shall not include the letter "Q" or terminate in the letter "I": Provided that the letters assigned to registering authorities under Government Notice No. 57 of 1990 shall remain of effect until replaced or amended by virtue of the power conferred by this paragraph;

(3) The registration number of a motor vehicle of which a Government ministry is the owner may consist of a combination of letters and numbers determined by the Minister by notice in the *Gazette*. Provided that a registration mark assigned and approved under section 33(1)(a) of the Ordinance in respect of any such motor vehicle before the commencement of this Chapter, shall remain of effect and be deemed to be a registration number determined under this paragraph, until replaced or amended under this paragraph.

(4) In lieu of registration and licensing by a registering authority the Ministry of Foreign Affairs of Namibia shall register and assign, free of charge, a registration mark and number to every motor vehicle owned by a person registered as being entitled to diplomatic immunity under section 4 of the Diplomatic Privileges Act, 1951 (Act 71 of 1951), but no registration mark so assigned shall include the letter "Q" or terminate in the letter "T" and the same registration mark and number shall not be assigned to more than one motor vehicle. Provided that a registration mark and number assigned under section 33(1)(b) of the Ordinance in respect of any such motor vehicle before the commencement of this Chapter shall remain of effect until replaced or amended under this paragraph.

#### **Minister may change allocated registration number**

**15A.26** The Minister, or in relation to a motor vehicle referred to in regulation 15A.25(4), the Minister of Foreign Affairs may, upon the conditions he or she determines change the registration number allocated to a motor vehicle.

#### **Annual renewal of motor vehicle licence**

**15A.27 (1)** The Minister may, if he or she deems it expedient, forward a motor vehicle licence assessment to the postal address of the owner of the motor vehicle, for the renewal of the licence of such motor vehicle.

(2) For the purpose of the renewal referred to in subregulation (1), the owner shall submit the assessment referred to in that subregulation to the appropriate registering authority, and such submission shall serve as an application for the renewal referred to in subregulation (1).

(3) The application referred to in subregulation (2) shall be accompanied by -

- (a) the appropriate motor vehicle licence fees referred to in Schedule 2 of the Ordinance;
- (b) if applicable, the penalties and arrear licence fees refer to in regulations 15A.62 and 15A.64; and
- (c) if required in terms of section 160 of the Ordinance, a roadworthy certificate.

(4) An owner who does not receive a motor vehicle licence assessment contemplated in subregulation (1), shall not be relieved from the obligation to apply for the licensing of the motor vehicle in the manner referred to in regulation 15A.22.

(5) On receipt of an application duly made in accordance with subregulation (2), the registering authority shall licence the motor vehicle in the manner prescribed by regulation 15A.23(2).

(6) If a motor vehicle is required to be licensed in terms of this Part, and an application for the renewal of the licence of the motor vehicle is not received the registering authority may, within three months from the date of liability referred to in regulation 15A.21, forward a notice of the failure to apply for the licensing of such motor vehicle, on a form approved by the Minister, to the owner of such motor vehicle and a copy thereof to the title holder of such motor vehicle, and such notice may again be forwarded within six months after the first notice.

**Additional requirements for application for licensing in the case of alteration or reconstruction of registered motor vehicle**

**15A.28** (1) When a motor vehicle is altered or reconstructed in such a manner and to such an extent that the motor vehicle licence or clearance certificate issued in respect of such motor vehicle no longer correctly describes such vehicle, such licence and clearance certificate shall lapse on the date of the completion of such alteration or reconstruction and liability for the licensing of such motor vehicle shall arise on that date.

(2) An application for the licensing of a motor vehicle referred to in subregulation (1), shall be made in terms of regulation 15A.22, and in addition to the requirements and documents referred to in that regulation, be accompanied by -

- (a) a roadworthy certificate;
- (b) a mass measuring certificate referred to in regulation 15A.71; and
- (c) a Police clearance in respect of the motor vehicle.

(3) The provisions of subregulation (1) shall not apply in respect of a motor vehicle of which only the colour is changed or the engine is replaced, on

condition that the owner of such motor vehicle shall notify the appropriate registering authority of such change or replacement within 21 days after such change or replacement on a form approved by the Minister, but the registering authority concerned may require a Police clearance in respect of the motor vehicle concerned.

(4) On receipt of a notice referred to in subregulation (3), the registering authority shall -

- (a) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles; and
- (b) issue to the owner a confirmation of such update on a form approved by the Minister.

(5) For the purposes of this regulation, "colour" means the main colour of the body of a motor vehicle.

(6) The registering authority shall notify the title holder of a motor vehicle of any reconstruction or alteration of such motor vehicle on a form approved by the Minister.

#### **Procedure on change of appropriate registering authority due to owner moving**

**15A.29** If the address of the owner of a motor vehicle changes and the registering authority at whose office such motor vehicle is licensed, is no longer the appropriate registering authority due to such change, the owner of such motor vehicle shall be liable to apply for the licensing of such motor vehicle in the manner referred to in regulation 15A.22 to the new appropriate registering authority on the date referred to in regulation 15A.21(1)(d).

#### **Procedure on re-defining of area of registering authority**

**15A.30** If a registering authority becomes the new registering authority of an area previously under the jurisdiction of another registering authority, every owner of a licensed motor vehicle for whom such new registering authority becomes the appropriate registering authority, shall, if such motor vehicle is not licensed with such new registering authority, be liable to apply to the new registering authority for the licensing of such motor vehicle in the manner referred to in regulation 15A.22, on the date referred to in regulation 15A.21(1)(d).

### **Procedure on change of registration mark of registering authority or registration number system**

**15A.31** (1) If the Minister allocates a new registration mark to a registering authority, in terms of regulation 15A.25(2), the owner of a motor vehicle licensed at such registering authority shall be liable to apply in the manner referred to in regulation 15A.22 for the licensing of such motor vehicle to such registering authority on the date referred to in regulation 15A.21(1)(f).

(2) The Minister may by notice in the *Gazette* extend the date referred to in subregulation (1).

### **Display of registration number**

**15A.32** (1) The registration number of a motor vehicle shall be displayed on a plate, to be referred to as a registration plate, and which shall -

- (a) in the case of a motor vehicle which is registered for the first time on or after 2 March 1998, with effect from the date of such registration; and
- (b) in the case of any other motor vehicle, with effect from 1 July 1999,

comply with the Standard Specification of the South African Bureau of Standards SABS 1116 "Retro-reflective Registration Plates for Motor Vehicles", Part 2: 1996 "Registration plates (metal)", and Part 4: 1996 "Registration plates (plastics)" as published under South African Government Notice No. R.463 of 9 July 1982 and No. R.1644 of 3 August 1984.

(2) The registration plate referred to in subregulation (1) shall bear a standardisation mark as defined in section 1 of the Standards Act, 1982, and as shown in the Standard Specification referred to in subregulation (1) and the colour of a registration plate shall be as follows:

- (a) For a motor vehicle owned by a member, agent or officer of or a delegate to any public international organization or institution and registered as being entitled to diplomatic immunity as contemplated in regulation 15A.25(4), all letters and figures shall be black and the remainder of the registration plate shall be a reflective white colour;

- (b) for a motor vehicle owned by a person, other than a person referred to in paragraph (a), registered as being entitled to diplomatic immunity as contemplated in regulation 15A.25(4), all letters and figures shall be white and the remainder of the registration plate shall be a reflective red colour;
  - (c) for a motor vehicle of which any Government ministry is the owner, other than a motor vehicle referred to in paragraph (d) or (e), all letters and figures shall be white and the remainder of the registration plate shall be a reflective green colour;
  - (d) for a ceremonial motor vehicle owned by the Government and allocated to the Chief of the Defence Force, there shall be three stars of 75 millimetres in diameter each, which shall be golden in colour and in design similar to the stars depicting the rank of a general, and the remainder of the registration plate shall be a reflective red colour;
  - (e) for a ceremonial motor vehicle owned by the Government and allocated to the Army Commander, there shall be two stars of 75 millimetres in diameter each, which shall be golden in colour and in design similar to the stars depicting the rank of a general, and the remainder of the registration plate shall be a reflective green colour;
  - (f) for a motor vehicle not included under paragraph (a), (b), (c), (d) or (e), all letters and figures shall be black and the remainder of the registration plate shall be a reflective yellow colour.
- (3) (a) In the case of a registration plate not used under the authority of a motor trade number licence, the letters and figures shall be arranged -
- (i) in the case of a motor vehicle referred in paragraph (a) or (b) of subregulation (2), either -
    - (aa) with all the letters and figures in one line with three figures preceding a maximum of four letters, followed by two figures and a letter; or

- (bb) with three figures preceding a maximum of four letters in one line and two figures preceding a letter on the line immediately below;
- (ii) in the case of a motor vehicle referred to in paragraph (c) of subregulation (2) -
  - (aa) with all letters and figures in one line, the letters preceding the figures; or
  - (bb) with the letters in one line and the figures in a line immediately below such letters;
- (iii) in the case of a motor vehicle referred to in paragraph (f) of subregulation (2) -
  - (aa) with all letters and figures in one line, with a letter preceding, and a letter or letters following, such figures; or
  - (bb) with a letter and some figures in one line and the rest of the figures followed by a letter or letters in the line immediately below the first line.
- (b) In the case of a registration plate used under the authority of a motor trade number licence, the figures shall precede the letters and all figures and letters shall be arranged -
  - (i) in the case of a registration plate for a motor vehicle, other than a motor cycle, in one line; and
  - (ii) in the case of a registration plate for a motor cycle, with the figures in one line and the letters in a line immediately below.
- (c) In the case of a registration plate referred to in subregulation (2)(d) and (e), the stars shall be arranged in a horizontal line.
- (4) The owner of a motor vehicle shall cause the registration plate of

such motor vehicle to be affixed thereto, from the date of licensing of such motor vehicle, in the manner referred to in subregulation (6), whether or not such motor vehicle is operated on a public road, except if the registration plate is removed from the motor vehicle for the purpose of effecting repairs to the motor vehicle or the registration plate while the motor vehicle is not operated on a public road.

- (5) No person shall operate on a public road a motor vehicle -
  - (a) of which a registration number or anything purporting to be a registration number which is not applicable to such vehicle, is displayed;
  - (b) of which the registration number is in any way obscured or has become illegible, except if temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle;
  - (c) while, subject to subregulation (2) -
    - (i) any design appears on the registration plate or on a registration plate holder to which the registration plate is fitted; and
    - (ii) there appears within 150 millimetres of the registration number applicable to such motor vehicle, a design, ornamentation, figure or letter which is not a component part of the standard equipment or construction of that motor vehicle: Provided that the provisions of this paragraph shall not apply to a distinguishing sign of the country of registration affixed in terms of the Convention;
  - (d) which, if such motor vehicle is deemed to be registered and licensed by reason of it being registered or licensed in any country, does not comply with the legislation of that country relating to the registration and licensing of motor vehicles;
  - (e) which is registered in any country other than Namibia, without displaying the distinguishing sign of that country allocated in terms of the Convention;

- (f) if such vehicle is registered in Namibia and displays thereon a distinguishing sign other than the distinguishing sign allocated to Namibia in terms of the Convention.
- (6) A registration plate shall be affixed -
  - (a) in such a manner that it is not easily detachable;
  - (b) to the back of a motor cycle or trailer;
  - (c) one to the back and one to the front of all other motor vehicles;
  - (d) in an upright position or within 15 degrees of such position;
  - (e) in such a manner that each letter and figure thereon is clearly legible; and
  - (f) in such a manner that the whole registration plate is clearly visible.
- (7) A registration plate shall be affixed -
  - (a) in the case of a double-deck bus of which the engine is at the rear, not higher than one comma nine metres from the ground level;
  - (b) in the case of any other motor vehicle, not higher than one comma five metres from the ground level.
- (8) The provisions of subregulation (6) in relation to legibility and visibility of a registration plate which is affixed to the back of a motor vehicle, shall not apply to a motor vehicle which is towing another vehicle.
- (9) Subject to the Standard Specifications referred to in subregulation (1), the Minister may, on application in writing and upon payment of the applicable fee, if any, approve the display of a registration plate with letters and figures of 60 millimetres on the rear of a motor vehicle which has an illuminated space at the rear which is too small to permit the attachment of a registration plate with letters or figures of 75 millimetres.
- (10) Notwithstanding anything to the contrary contained in any Standard

Specification referred to in subregulation (1), no logo or landscape shall be displayed on a registration plate in Namibia.

### **Distinguishing sign in terms of Convention**

**15A.33** (1) The distinguishing sign for a motor vehicle registered in Namibia and taking part in international traffic as contemplated in the Convention, shall, subject to the provisions of subregulation (2) consist of the capital letters "NAM".

(2) The letters referred to in subregulation (1) shall have a height of at least 80 millimetres and their strokes shall have a width of at least 10 millimetres.

(3) The letters referred to in subregulation (1) shall be painted in black on a white background having the shape of an ellipse with the major axis in a horizontal position.

(4) The dimensions of the axes of the ellipse shall -

- (a) for a motor cycle, be at least 175 millimetres and 115 millimetres;  
or
- (b) for any other motor vehicle, be at least 240 millimetres and 145 millimetres.

### **Display of clearance certificate**

**15A.34** (1) The owner of a motor vehicle shall display a clearance certificate issued in respect of such motor vehicle, in the manner referred to in subregulation (2).

(2) A clearance certificate issued in respect of a motor vehicle shall -

- (a) if the motor vehicle is fitted with a transparent windscreen, be displayed by affixing it in an upright position on the inside of the windscreen in such manner that the print on the face of the clearance certificate is clearly legible from the outside to a person standing in front of the vehicle;

- (b) if the motor vehicle is not fitted with a transparent windscreen, be affixed in a conspicuous position on the left side of such motor vehicle in such a manner that the print on the face of such certificate is clearly legible from that side; or
  - (c) if such clearance certificate is required to be displayed on a motor vehicle in a position where it is exposed to the weather, be protected by affixing such clearance certificate on the inside of the transparent front of a durable watertight holder.
- (3) No person shall operate on a public road a motor vehicle on which is displayed -
- (a) a clearance certificate, or anything purporting to be a clearance certificate, which is not applicable to such motor vehicle; or
  - (b) a clearance certificate which is in any way obscured or which has become illegible, except if such clearance certificate is temporarily obscured or illegible by reason of a cause beyond the control of the driver of the motor vehicle.

#### **Procedure for refund of motor vehicle licence fees**

**15A.35** (1) The owner of a motor vehicle which -

- (a) has been reported stolen in terms of regulation 15A.59(1)(c);
- (b) has been reported permanently unfit for use as a motor vehicle in terms of regulation 15A.60(1)(b); or
- (c) has been deregistered in terms of regulation 15A.15,

may apply for a refund of an amount calculated at one twelfth of the motor vehicle licence fees paid in respect of such motor vehicle in terms of regulation 15A.23(2) for every month for which the motor vehicle licence remains valid, on the day immediately preceding the day from which the owner is exempt from liability for licensing of the motor vehicle concerned in terms of regulations 15A.15, 15A.59(5), 15A.60(4).

(2) The owner of the motor vehicle referred to in subregulation (1) may, within a period not exceeding three years after the date of notification in terms of regulation 15A.59(1) or 15A.60(1) or the date of deregistration, apply to the Minister for a refund of the motor vehicle licence on a form approved by the Minister.

(3) On receipt of the application referred to in subregulation (2), the Minister may refund the owner of the motor vehicle referred to in subregulation (1), with the amount referred to in that subregulation.

### PART III MOTOR TRADE NUMBER

#### **Motor vehicle may be operated under motor trade number under certain circumstances**

**15A.36** (1) Notwithstanding any provisions to the contrary contained in this Chapter, a manufacturer, builder, importer, motor transport contractor or motor dealer may, under a motor trade number issued in terms of this Part, operate on a public road a motor vehicle, which may not otherwise be operated thereon, for the purposes of -

- (a) delivery of such motor vehicle by a motor transport contractor, in the course of his or her business;
  - (b) delivery, sale, exchange, repair or building of a permanent structure on such motor vehicle by a motor dealer;
  - (c) delivery or testing by the manufacturer or builder of such motor vehicle; or
  - (d) delivery of such motor vehicle by an importer.
- (2) A banking institution who is a credit grantor in respect of a motor vehicle -
- (a) which is the subject of an instalment sale transaction, or a leasing transaction; and
  - (b) which such institution wishes to operate on a public road for the

purpose of repossessing such motor vehicle, may, if such motor vehicle may not otherwise be so operated, operate such motor vehicle on a public road under a motor trade number issued in terms of this Part.

(3) No person shall operate a motor vehicle under a motor trade number, except for the purposes contemplated to in subregulation (1) or (2).

#### **Manner of application for motor trade number**

**15A.37** (1) An application for a motor trade number shall be made to the appropriate registering authority on a form approved by the Minister, and shall be accompanied by -

- (a) acceptable identification of the applicant and, if the applicant is a body of persons, that of his or her proxy and representative and a letter of proxy; and
- (b) the appropriate fees referred to in Schedule 2 of the Ordinance and if applicable, the penalties and arrear fees referred to in regulations 15A.62 and 15A.64.

(2) The applicant referred to in subregulation (1), shall state the number of motor trade numbers required to be issued and the purpose for which such motor trade numbers are to be used.

#### **Manner of issue of motor trade number**

**15A.38** (1) On receipt of the application referred to in regulation 15A.37, the registering authority -

- (a) shall satisfy itself that the applicant is entitled to be issued with a motor trade number; and
- (b) may, and if the applicant so requires, shall, issue an assessment showing the penalties and fees referred to in regulation 15A.37(1)(b), for the issue of a motor trade number.

(2) On payment of the amount referred to in subregulation (1) the

registering authority shall, subject to regulation 15A.64(2), and if satisfied that the application is in order -

- (a) record the particulars in relation to the applicant in the register of motor trade numbers; and
  - (b) issue, in a form approved by the Minister, and on the conditions as such registering authority may deem expedient, the number of motor trade number registration certificates as applied for.
- (3) If the application is refused the registering authority shall notify the applicant accordingly.

#### **Motor trade number to be licensed**

**15A.39** Every motor trade number issued in terms of regulation 15A.38, shall be licensed by the holder of such motor trade number in accordance with the provisions of this Part with the appropriate registering authority.

#### **Date on which motor trade number to be licensed**

**15A.40 (1)** Liability for the licensing of a motor trade number referred to in regulation 15A.39, shall arise on -

- (a) the date of issue of the motor trade number registration certificate in terms of regulation 15A.38; or
  - (b) the first day of the month following the date of expiry of the licence of the motor trade number in terms of regulation 15A.43.
- (2) If it is in issue in any civil or criminal proceedings whether an alleged date is the date referred to in subregulation (1), the date so alleged shall, in the absence of evidence to the contrary, be deemed to be the date referred to in the that subregulation.

#### **Manner of application for licensing of motor trade number**

**15A.41 (1)** An application for the licensing of a motor trade number shall be made by the holder of such motor trade number, simultaneously with the application, and on the same form, referred to in regulation 15A.37(1).

(2) An application in terms of subregulation (1) shall be accompanied by the appropriate fees referred to in Schedule 2 of the Ordinance and, if applicable, the penalties and arrear fees referred to in regulations 15A.62 and 15A.64.

### **Manner of licensing of motor trade number**

**15A.42** (1) On receipt of an application in terms of regulation 15A.41, the registering authority may, and if the applicant so requires, shall, issue an assessment showing the penalties and fees referred to in regulation 15A.41(2) for the licensing of the motor trade number concerned.

(2) On payment of the amount referred to in subregulation (1), but subject to regulation 15A.64(2), the registering authority, if satisfied that the application is in order, shall -

- (a) licence the motor trade number;
- (b) update the particulars in relation to the motor trade number concerned in the register of motor trade numbers;
- (c) issue, in a form approved by the Minister, a motor trade number licence; and
- (d) subject to regulation 15A.44(5), issue, in a form approved by the Minister, which shall be completed in black non-fading ink, a motor trade number clearance certificate as proof of the possession of such motor trade number licence.

### **Period of validity of motor trade number licence and motor trade number clearance certificate**

**15A.43** A motor trade number licence and a motor trade number clearance certificate shall be valid for a period of 12 months from the first day of the month in which it is issued, and the date of expiry thereof shall be shown on such motor trade number licence and such clearance certificate: Provided that if the holder of such motor trade number applies for the renewal of the current motor trade number licence and motor trade number clearance certificate in terms of regulation 15A.44(2) before the expiry date thereof, the period of validity of the new licence and clearance certificate shall be calculated from the first day of the month which follows on the expiry date of the current licence and clearance certificate.

**Annual renewal of motor trade number licence**

**15A.44** (1) The Minister may, if he or she deems it expedient, forward a motor trade number licence assessment to the postal address of the holder of a motor trade number for the renewal of the licence of such motor trade number.

(2) For purpose of the renewal referred to in subregulation (1), the holder shall submit the assessment together with the penalties and fees referred to in regulation 15A.41(2), to the appropriate registering authority and such submission shall serve as an application for the renewal of the motor trade number licence.

(3) The registering authority shall, on payment of the fees referred to in subregulation (2), and if the application is in order, licence the motor trade number in the manner prescribed by regulation 15A.42(2).

(4) An owner who does not receive a motor trade number licence assessment contemplated in subregulation (1), shall not be relieved from the obligation to apply for the licensing of the motor trade number in the manner referred to in regulation 15A.41.

(5) If a motor trade number is required to be licensed in terms of the provisions of this Part and an application for the renewal of the licence of such motor trade number is not received within three months from the date of expiry referred to in regulation 15A.43, the registering authority shall cancel such motor trade number.

(6) The cancellation of a motor trade number in terms of subregulation (5), shall not exempt the holder of such motor trade number from the liability for the payment of the penalties and arrear licence fees referred to in regulations 15A.62 and 15A.64.

**Procedure for change of particulars of holder of motor trade number**

**15A.45** (1) If the postal or street address, the proxy or the representative of the holder of a motor trade number changes, such holder shall, within a period of 21 days after such change, notify the appropriate registering authority of such change on a form approved by the Minister.

(2) If the name or identification number as reflected in the acceptable

identification of the holder of a motor trade number changes, such holder shall within 21 days from such change notify the appropriate registering authority of such change on a form approved by the Minister and submit to it -

- (a) the new acceptable identification; and
- (b) every motor trade number registration certificate issued to such holder.

(3) A notification in terms of subregulation (1) in respect of a change of the proxy or representative of the holder of a motor trade number, shall be accompanied by the acceptable identification of the new proxy or representative and a new letter of proxy.

(4) If, on receipt of a notification in terms of subregulation (1) or (2), the registering authority is satisfied that such notification is in order, it shall -

- (a) update the particulars in relation to the person or body of persons concerned in the register of motor trade numbers;
- (b) issue an acknowledgment receipt of the notification on a form approved by the Minister; and
- (c) in the case of a notification in terms of subregulation (2), issue a new motor trade number registration certificate to the holder upon payment of the appropriate fees for the issue of a duplicate document as prescribed in Schedule 2 of the Ordinance.

(5) If a motor trade number is held by a partnership and one of the partners dies or ceases to be a partner of such partnership or a new partner is admitted thereto, or if a person obtains from the estate of his or her deceased spouse the business of -

- (a) motor transport contractor;
- (b) manufacturer;
- (c) builder;

- (d) importer;
- (e) motor dealer; or
- (f) a banking institution,

and a motor trade number is in force in respect of such business, every such number shall, notwithstanding any provisions to the contrary contained in this Part, remain in force for the unexpired period of the motor trade number licence concerned, and that partnership or new owner of the business shall be deemed to be the holder of the motor trade number.

### **Cancellation of motor trade number**

**15A.46 (1)** If, in the opinion of the Minister, the holder of a motor trade number has contravened a provision of this Chapter in the course of carrying on the business of a motor transport contractor, manufacturer, builder, importer, motor dealer or banking institution referred to in regulation 15A.36(2), as the case may be, the Minister may cancel the motor trade number of such holder.

(2) If a motor trade number is cancelled in terms of subregulation (1), the holder of such number shall forthwith surrender the motor trade number registration certificate, motor trade number licence, motor trade number clearance certificate and the plate referred to in regulation 15A.48 to the appropriate registering authority for the defacement of such registration certificate and such licence and the destruction of such clearance certificate.

- (3) The holder of a motor trade number who -
- (a) no longer requires such number; or
  - (b) ceases to carry on the business in relation to which such number was issued,

shall forthwith apply to the appropriate registering authority, in a form approved by the Minister, for the cancellation of such motor trade number, and such application shall be accompanied by the relevant motor trade number registration certificate, motor trade number licence, motor trade number clearance certificate and the plate, referred to in regulation 15A.48.

(4) On receipt of the application referred to in subregulation (3), the registering authority shall -

- (a) cancel the motor trade number;
- (b) deface the motor trade number registration certificate and the motor trade number licence;
- (c) destroy the motor trade number clearance certificate; and
- (d) update the particulars pertaining to the motor trade number in the register of motor trade numbers accordingly.

### **Number issued in any country**

**15A.47** A number which has a similar purpose to that of a motor trade number and which has been issued in another country in accordance with the laws of that country, shall be deemed to be a motor trade number for the purposes of this Part when such number is displayed on a motor vehicle which is operated on a public road in Namibia.

### **Display of motor trade number and motor trade number clearance certificate**

**15A.48 (1)** A motor trade number shall be displayed on a plate referred to in regulation 15A.32 and in accordance with the provisions of that regulation: Provided that in the case of a motor vehicle other than a motor cycle or trailer, such plate shall -

- (a) if such motor vehicle has a rear window, be displayed on the inside of such window in an upright position so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle; or
- (b) if such motor vehicle has no rear window or the rear window is too small to display such motor trade number, on the back of the motor vehicle in an upright position so that each letter and figure of such plate shall be clearly legible when viewed from the rear of the motor vehicle.

(2) A motor trade number clearance certificate issued in terms of

regulation 15A.42 shall be affixed to the inside of the transparent front of a durable watertight holder.

(3) The watertight holder referred to in subregulation (2), shall be attached to the motor trade number plate so that the print on the face of the motor trade number clearance certificate is clearly legible as contemplated in subregulation (1).

(4) No motor trade number shall be permanently affixed to any motor vehicle.

### **Right of appeal to Minister**

**15A.49** (1) Any person aggrieved by the refusal of a registering authority to issue a motor trade number to him or her, in terms of regulation 15A.38, may, within 21 days after the date of such refusal, in writing appeal against such refusal to the Minister and such person shall at the same time serve a copy of such appeal on the registering authority concerned.

(2) Upon the receipt of a copy of an appeal referred to in subregulation (1), the registering authority concerned shall forthwith furnish the Minister with the reasons for the refusal to which the appeal relates.

(3) For the purpose of deciding an appeal referred to in subregulation (1), the Minister may require any party to the appeal, to furnish the information and evidence as the Minister may deem necessary.

(4) The Minister may, after considering the appeal, give such decision as he or she may deem fit.

## **PART IV**

### **TEMPORARY AND SPECIAL PERMITS**

#### **Circumstances in which a motor vehicle may be operated on a public road under a permit**

**15A.50** (1) A person who wishes to operate on a public road a motor vehicle which is not registered and licensed, and may not otherwise be so operated, may -

(a) if such person is the owner of the motor vehicle, obtain a temporary

permit in respect of such motor vehicle in order to operate it on a public road for the purpose of -

- (i) delivery of the motor vehicle by or to such owner, being a person who is a motor dealer; or
  - (ii) having it registered and licensed in terms of this Chapter, but only during the period permitted for such registration and licensing; or
- (b) obtain a special permit in respect of such motor vehicle in order to operate it on a public road for the purpose of -
- (i) testing the motor vehicle;
  - (ii) proceeding to or returning from a place where repairs are to be or have been effected to such motor vehicle;
  - (iii) proceeding to an examiner of vehicles or mass measuring apparatus; or
  - (iv) repossessing such motor vehicle, as contemplated in regulation 15A.36(2).

(2) A temporary permit shall not be issued -

- (a) in respect of a motor vehicle referred to in section 160 of the Ordinance unless a roadworthy certificate in respect of such motor vehicle is submitted;
- (b) in respect of a motor vehicle of which the owner changes, unless the new owner of such motor vehicle submits an application for the licensing thereof in terms of regulation 15A.22;
- (c) in a blank form to any person, except a motor dealer.

(3) The owner of a motor vehicle which is licensed and who cannot comply forthwith with the provisions of regulation 15A.32 or 15A.34, may obtain a temporary permit in order to operate the motor vehicle on a public road.

(4) A special permit shall not authorize the holder of such permit to convey persons or goods in the motor vehicle concerned.

### **Manner of application for temporary or special permit**

**15A.51** (1) A motor dealer who requires a series of blank temporary permits shall make application therefor to the appropriate registering authority in a form approved by the Minister.

(2) An application for a temporary or special permit for a motor vehicle shall be made to the appropriate registering authority in a form approved by the Minister, but if a motor vehicle is obtained from a motor dealer, the owner of such motor vehicle may obtain a temporary permit from such motor dealer.

(3) An application in terms of subregulation (1) or (2) shall be accompanied by -

- (a) the acceptable identification of the applicant, and, if the applicant is a body of persons, that of its proxy and representative and a letter of proxy;
- (b) the appropriate fees prescribed in Schedule 2 of the Ordinance and if applicable, the penalties and arrear fees referred to in regulations 15A.62 and 15A.64; and
- (c) subject to regulation 15A.50(2)(a), a roadworthy certificate.

### **Manner of issue of temporary or special permit**

**15A.52** (1) On receipt of the application referred to in regulation 15A.51(1) or (2), the registering authority may, and if the applicant so requires, shall issue an assessment showing the penalties and fees referred to in regulation 15A.51(3).

(2) On submission of the assessment and amounts referred to in subregulation (1), the registering authority shall, subject to the provisions of regulation 15A.64(2), and if satisfied that the application is in order -

- (a) record in the register of motor vehicles, the particulars pertaining

to the applicant and, if applicable, the date, number and place of issue of a roadworthy certificate referred to in regulation 15A.51(3)(c); and

- (b) issue, in a form approved by the Minister, and in accordance with the application, a series of blank temporary permits or a duly completed temporary or special permit, as the case may be.
- (3) A motor dealer referred to in regulation 15A.51(2) shall, on payment of the appropriate fees referred to in regulation 15A.51(3)(b) -
- (a) complete the temporary permit and counterfoil, in a form approved by the Minister;
  - (b) issue the temporary permit to the owner of the motor vehicle concerned and retain the counterfoil; and
  - (c) if applicable, record the date, number and place of issue of a roadworthy certificate, referred to in regulation 15A.51(3)(c) on the counterfoil.
- (4) A permit issued in respect of a motor vehicle in any country in terms of any law relating to motor vehicles in force in that country and serving the same purpose as a temporary or special permit shall for the purposes of this Part, if the provisions of the law of such country relating to the operation of a motor vehicle on a public road under such permit is complied with, be deemed to be a temporary permit or special permit issued in terms of this Part.
- (5) A motor dealer shall not issue a temporary permit which has not been issued to such motor dealer in terms of subregulation (2)(b), or issue more than one permit to the same person in respect of the same motor vehicle.
- (6) A registering authority may, at any time after reasonable notice to a motor dealer, order that all unused temporary permits be returned, or such dealer may return such permits, without any amount being refundable.

#### **Period of validity of temporary and special permit**

**15A.53** (1) The date of commencement and the date of expiry of a

permit issued in terms of regulation 15A.52(2)(b) or 15A.52(3)(b) shall be recorded on such permit and such permit shall be valid -

- (a) in the case of a temporary permit, for a period of 21 days, calculated -
  - (i) in respect of a motor vehicle referred to in regulation 15A.50(3), from the date of issue of such temporary permit; or
  - (ii) for any other motor vehicle, from the date on which liability for the licensing of such motor vehicle arises; or
- (b) in the case of a special permit, for a period of three days calculated from the date specified by the applicant in the application form including the day of issue, provided that the date so specified shall not be more than seven days after the date on which the application is made.

(2) The provisions of subregulation (1) shall not apply to blank temporary permits issued to a motor dealer in terms of regulation 15A.52(2)(b).

#### **Display of temporary or special permit**

**15A.54 (1)** A permit issued in respect of a motor vehicle in terms of regulation 15A.52(2)(b) or 15A.52(3)(b), shall be displayed -

- (a) if such motor vehicle has a rear window, on the inside of such window in the lower left-hand corner in such a position that the inscription thereon is legible through the glass when viewed from the rear of the motor vehicle; or
  - (b) if such motor vehicle does not have a rear window, on the rear of the motor vehicle in a conspicuous place.
- (2) No person shall operate on a public road a motor vehicle -
- (a) on which is displayed a temporary or special permit, or anything purporting to be such a permit, which is not applicable to such motor vehicle; or

- (b) on which a temporary or special permit is displayed which is in any way obscured or has become illegible, except if such permit is temporarily obscured or illegible by reason of a cause beyond the control of the driver of such motor vehicle.

### **Duty of motor dealer in respect of temporary permit**

**15A.55** A motor dealer shall -

- (a) in respect of every temporary permit issued by such dealer to an applicant in terms of regulation 15A.52(3)(b), keep a record, by means of the completed counterfoil, of the name and address of the applicant, as well as, if applicable, of the date, number and place of issue of a roadworthy certificate; and
- (b) within 14 days after the date of issue of the tenth permit in a book, return to the appropriate registering authority every book of 10 counterfoils so completed.

## **PART V GENERAL**

### **Procedure for change of particulars of title holder or owner of registered motor vehicle**

**15A.56 (1)** If the postal or street address or the proxy or representative of the title holder or owner of a motor vehicle which is registered in terms of these regulations changes, such title holder or owner shall, within a period of 21 days after such change, notify the appropriate registering authority of such change on a form approved by the Minister.

(2) If the name or identification number as reflected in the acceptable identification of the title holder or owner of a motor vehicle registered in terms of these regulations changes, such title holder or owner shall within a period of 21 days after such change -

- (a) notify the appropriate registering authority of such change on a form approved by the Minister; and
- (b) submit to it the new acceptable identification.

(3) Where a change referred to in subregulation (2) occurs in respect of a title holder, such title holder shall submit every registration certificate issued to him or her, together with the notification referred to in that subregulation, to the appropriate registering authority.

(4) A notification in terms of subregulation (1) in respect of a change of the proxy or representative of a body of persons shall be accompanied by the acceptable identification of the new proxy or representative, as the case may be and, if applicable, a letter of proxy.

(5) On receipt of a notification in terms of subregulation (1) or (2), the registering authority shall, if it is satisfied that such notification is in order -

- (a) update the particulars pertaining to the person or body of persons concerned in the register of motor vehicles;
- (b) issue an acknowledgement of receipt of the notification on a form approved by the Minister; and
- (c) in the case of a notification referred to in subregulation (2), issue a new registration certificate to the title holder concerned, upon payment of the appropriate fees for the issue of a duplicate document as prescribed in Schedule 2 of the Ordinance.

(6) The owner of a motor vehicle shall notify the title holder of such motor vehicle, of any change of address or particulars of the owner as referred to in subregulations (1) and (2).

**Duty of title holder and owner of motor vehicle upon change of title holder or owner**

**15A.57** (1) No person shall, either for himself or herself or on behalf of another person -

- (a) dispose of or deliver a motor vehicle in terms of an instalment sale transaction or leasing transaction unless such motor vehicle, if required to be registered and licensed in terms of Parts I and II of this Chapter, is so registered and licensed; and
- (b) acquire or take delivery of a motor vehicle if the motor vehicle may not be disposed of or delivered in terms of paragraph (a).

(2) If there is a change of title holder of a motor vehicle the current title holder of such motor vehicle shall -

- (a) complete the relevant portion of a form approved by the Minister;
- (b) ensure that the new title holder completes the relevant portion of such form;
- (c) forward such form to the appropriate registering authority forthwith; and
- (d) hand over the registration certificate concerned to the new title holder.

(3) If there is a change of owner of a motor vehicle, the current owner of such motor vehicle shall notify the registering authority where such motor vehicle is licensed, of such change, on a form approved by the Minister.

(4) If, on receipt of a notification in terms of subregulation (2) or (3), the registering authority is satisfied that such notification is in order, it -

- (a) shall update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles; and
- (b) may acknowledge receipt of such notice on a form approved by the Minister.

#### **Dispute in relation to appropriate registering authority**

**15A.58** (1) If a dispute should arise between two or more registering authorities or between a person and a registering authority, as to which registering authority is the appropriate registering authority, such dispute shall be decided by the Minister.

(2) If it is in issue in any civil or criminal proceeding whether an alleged registering authority is the appropriate registering authority, the registering authority so alleged shall, in the absence of evidence to the contrary, be deemed to be the appropriate registering authority.

**Procedure if motor vehicle is stolen**

**15A.59(1)** If a motor vehicle is stolen, the owner of such motor vehicle shall -

- (a) report the theft to the Police within 24 hours after such owner becomes aware of the theft;
- (b) notify the title holder forthwith of the theft;
- (c) within seven days after the date such owner has become aware of the theft, if the motor vehicle concerned has not been recovered during such period, notify the appropriate registering authority of the theft by forwarding a form approved by the Minister, to such registering authority; and
- (d) submit the registration certificate of such motor vehicle to the appropriate registering authority, if such certificate is in such owner's possession.

(2) No change of title holder or owner of a motor vehicle reported stolen shall be effected unless such change results from -

- (a) an agreement of indemnity against the theft of such motor vehicle; or
- (b) an agreement between the owner and the title holder of such motor vehicle.

(3) The title holder of the motor vehicle referred to in subregulation (1) shall -

- (a) within three months after the date on which he or she was notified of the theft, notify the appropriate registering authority of such theft on a form approved by the Minister; and
- (b) if the registration certificate of the motor vehicle has not been submitted by the owner in terms of subregulation (1)(d), submit such registration certificate and the notification referred to in paragraph (a), to the appropriate registering authority.

(4) On receipt of the notification referred to in subregulation (1)(c) or (3)(a) a registering authority shall, if it is satisfied that such notification is in order -

- (a) update the particulars pertaining to the motor vehicle concerned in the register of motor vehicles;
- (b) in the case of the notification referred to in subregulation 3(a), issue a deregistration certificate on a form approved by the Minister, to the title holder of the motor vehicle; and
- (c) issue an acknowledgement of receipt of the notification referred to in subregulation (1)(c) on a form approved by the Minister.

(5) If a registering authority has in terms of subregulation (4)(d) acknowledged receipt of the notification referred to in subregulation (1)(c), the owner of the motor vehicle concerned shall be exempt for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.

(6) If a motor vehicle referred to in subregulation (1) is recovered, the owner of such motor vehicle shall -

- (a) within 24 hours after such recovery, notify the Police thereof;
- (b) notify the title holder and the appropriate registering authority forthwith of such recovery; and
- (c) apply for the licensing of such motor vehicle as referred to in regulation 15A.22, and such application shall be accompanied by a Police clearance of the motor vehicle.

#### **Procedure if motor vehicle becomes permanently unfit for use**

**15A.60** (1) If a motor vehicle becomes permanently unfit for use as a motor vehicle, the owner of such motor vehicle shall -

- (a) notify the title holder forthwith thereof; and
  - (b) within three months after the date on which such motor vehicle has become so unfit, notify the appropriate registering authority, on a form approved by the Minister, that such motor vehicle is permanently unfit for use as a motor vehicle; and
  - (c) submit the registration certificate of such motor vehicle to the appropriate registering authority, if such certificate is in such owner's possession.
- (2) The title holder of a motor vehicle referred to in subregulation (1) shall -
- (a) within three months after the date on which such motor vehicle has become permanently unfit, notify the appropriate registering authority, on a form approved by the Minister, that such motor vehicle has become permanently unfit; and
  - (b) if the registration certificate of the motor vehicle has not been submitted by the owner in terms of subregulation (1)(d), submit such registration certificate and the notification referred to in paragraph (a), to the appropriate registering authority.
- (3) If, on receipt of a notification in terms of subregulation (1)(b) or (2)(a), the registering authority is satisfied that the notification is in order, it shall -
- (a) update the particulars pertaining to the motor vehicle in the register of motor vehicles;
  - (b) issue to the owner an acknowledgement of receipt of the notification referred to in subregulation (1)(b), on a form approved by the Minister; and
  - (c) in the case of the notification referred to in subregulation (2)(a), issue to the title holder of the motor vehicle a deregistration certificate in a form approved by the Minister.
- (4) If a registering authority has in terms of subregulation (3)(c),

acknowledged receipt of the notice referred to in subregulation (1)(b), the owner of the motor vehicle concerned shall be exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall be disregarded.

### **Chassis number and engine number to be affixed to motor vehicle**

**15A.61** (1) Every motor vehicle shall have -

- (a) a chassis number of not more than 17 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to such motor vehicle; and
- (b) if applicable, an engine number of not more than 20 alpha-numerical characters which shall be cut, stamped, embossed on or permanently affixed to the engine of such motor vehicle.

(2) The chassis number of every motor vehicle, other than a motor cycle or a tractor, registered for the first time on or after 1 March 1994, shall comply with the Standard Specifications of the South African Bureau of Standards -

- (a) SABS/ISO 3779: 1983 "Road vehicles - Vehicle identification number (VIN) - Content and structure";
- (b) SABS/ISO 4030: 1983 "Road vehicles - Vehicle identification number (VIN) - Location and attachment";
- (c) SABS/ISO 3780: 1983 "Road vehicles - World Manufacturer identifier (WMI) code";

as published by South African Government Notice No. R.3160 of 20 November 1992.

- (3) The title holder of a motor vehicle -
  - (a) which does not bear a chassis number;

- (b) which, if it is a self-propelled vehicle, does not bear an engine number;
- (c) which does not bear both the numbers referred to in paragraphs (a) and (b);
- (d) of which the number referred to in paragraph (a) or (b), appears on another motor vehicle; or
- (e) of which the chassis number or engine number is altered, defaced or obliterated,

shall tender such motor vehicle to the Police.

(4) The Police shall, upon payment of the appropriate fees referred to in Schedule 2 of the Ordinance, issue a new chassis or engine number or a new chassis and engine number, as the case may be, in respect of the motor vehicle referred to in subregulation (3).

(5) The title holder of a motor vehicle referred to in subregulation (3) shall -

- (a) cause the number issued by the Police in terms of subregulation (4) to be cut, stamped, embossed on or permanently affixed to such motor vehicle or the engine of such motor vehicle, as the case may be; and
- (b) obtain clearance from the Police in respect of the number referred to in paragraph (a).

(6) The number issued in terms of subregulation (4) shall be the chassis or engine number, as the case may be, of the motor vehicle concerned.

(7) The title holder referred to in subregulation (5) shall furnish the registering authority with the clearance referred to in that subregulation and the registration certificate of the motor vehicle.

(8) The registering authority concerned shall issue a new registration certificate and clearance certificate to the title holder upon payment of the

appropriate fees as prescribed in Schedule 2 of the Ordinance, which reflects the number issued in terms of subregulation (4).

### **Penalties for late registration or licensing**

**15A.62** (1) If an application for the registration or licensing of a motor vehicle or licensing of a motor trade number is not made within the period determined for in this Chapter, the title holder, owner or motor trade number holder, as the case may be, shall pay a penalty to the appropriate registering authority, calculated at one tenth of the appropriate fees for every month or part of a month during which the fees remain unpaid, but such penalty shall not exceed the total amount of the appropriate fees.

(2) The payment by the title holder or owner of a motor vehicle or holder of a motor trade number, of the registration or licence fees, or motor trade number licence fees, as the case may be, as well as the penalty referred to in subregulation (1), shall not relieve such person from prosecution for his or her failure to register or licence such motor vehicle or motor trade number timeously nor shall the prosecution of such a person for his or her failure to register or licence the motor vehicle or motor trade number concerned timeously, as the case may be, relieve him or her of the liability to pay the appropriate fees for registration or licensing, as well as the penalty referred to in subregulation (1).

(3) The title holder or owner of a motor vehicle or the holder of a motor trade number who submits an application on the appropriate form to the appropriate registering authority for the registration or licensing of a motor vehicle or motor trade number, as the case may be, together with the appropriate fees within the time allowed, but fails to furnish any relevant document of particulars which may be required by the registering authority, shall, notwithstanding anything to the contrary contained in this regulation, not be liable for any penalty if such registering authority is satisfied that such failure was due to circumstances beyond the control of such title holder, owner or holder.

(4) If the Minister is satisfied that payment of registration or licence fees or motor trade number licence fees was delayed by a cause beyond the control, or were not due to any fault on the part, of the title holder or owner of a motor vehicle or holder of a motor trade number, the Minister may direct that a penalty paid in respect of the registration or licensing, or so much thereof as the circumstances appear to him or her to justify, shall be refunded to such title holder, owner or holder.

(5) Penalties or fees payable in respect of the registration or licensing of a motor vehicle or motor trade number, as the case may be, in terms of this Chapter, shall be a debt due to the Minister and may be recovered in a competent court by a registering authority on behalf of the Minister.

#### **Vehicles excluded from payment of registration and licence fees**

**15A.63** A motor vehicle -

- (a) of which the owner is a State in respect of which the Chief of the Namibian Defence Force certifies that it is a friendly State and that the motor vehicle is intended to be used exclusively for military purposes in Namibia; or
- (b) of which the owner is a foreign government, a diplomat representing a foreign country, an international or intergovernmental organization or any person or class of persons as the Minister of Foreign Affairs may determine,

is excluded from the payment of registration and licence fees.

#### **Arrear fees for licensing of motor vehicle or motor trade number**

**15A.64 (1)** If application is made for the licensing of a motor vehicle or motor trade number in a month following the month in which liability for the licensing of such motor vehicle or motor trade number arose, arrear licence fees, calculated at one twelfth per month of the annual licence fees from the first day of the month in which liability for such licensing arose until the last day of the month preceding the month in which application is made, shall be payable.

(2) If a person who owes any penalties or fees in terms of the provisions of this Chapter to any registering authority, applies for any transaction, the registering authority to whom such application is made, may refuse to effect the transaction applied for, until such penalties and fees have been, and may apply any amount tendered in settlement of such penalties and fees due.

#### **Period of grace**

**15A.65** Where, in terms of the provisions of this Chapter, provision

is made for a period within which an application shall be made, such period shall be construed as a period of grace allowed to the applicant, during which he or she may make such application without being liable for a penalty referred to in regulation 15A.62 or prosecution for not making such application timeously.

### **Procedure when cheque is dishonoured**

**15A.66 (1)** If any penalties or fees for a transaction in terms of the provisions of this Chapter, are paid by cheque and such cheque is dishonoured on presentation, the registering authority concerned may notify the person concerned thereof in writing and, unless the person concerned honours such cheque within the period allowed by the authority concerned, such person owes such authority the outstanding amount as well as a levy as determined by the Minister.

(2) The amount and the levy referred to in subregulation (1), shall be recovered by the registering authority in a manner determined by the Minister.

### **Duty to furnish information**

**15A.67** A person requested by the Permanent Secretary, a traffic officer, a road transport inspector, an inspector of licences, an examiner of vehicles or a registering authority, to furnish information -

- (a) regarding a motor vehicle or a motor vehicle body which is or may have been at any time in his or her possession; or
- (b) regarding any matter in respect of which such person has any responsibility in terms of the Ordinance,

shall furnish such information.

### **Duty of registering authority in respect of records**

**15A.68** A registering authority -

- (a) shall keep a file in respect of every motor vehicle it registers or licenses, and in respect of every motor trade number it issues and licenses;

- (b) shall record all the transactions it effects in the applicable register and keep record of such transactions.

### **Application for information certificate in respect of motor vehicle**

**15A.69 (1)** A person may apply to a registering authority, on a form approved by the Minister, for an information certificate in respect of a motor vehicle.

(2) An application referred to in subregulation (1) shall be accompanied by -

- (a) the acceptable identification of the applicant;
- (b) where the applicant is a body of persons, a letter of proxy indicating the proxy and representative's right to represent such body of persons and the acceptable identification of such proxy and representative; and
- (c) the fees as prescribed in Schedule 2 of the Ordinance.

### **Exporting of motor vehicle**

**15A.70 (1)** If the owner of a motor vehicle, other than a manufacturer or a builder of a new motor vehicle, intends to export such motor vehicle, such owner shall notify the appropriate registering authority thereof on a form approved by the Minister.

(2) On receipt of a notification referred to in subregulation (1), the registering authority shall -

- (a) update the particulars pertaining to such motor vehicle in the register of motor vehicles; and
- (b) acknowledge receipt of such notification on a form approved by the Minister.

### **Manner in which mass measuring certificate to be obtained**

**15A.71 (1)** A mass measuring certificate on which the tare and

particulars of the motor vehicle concerned are reflected, shall be obtained by the applicant therefore at his or her own expense from a person in charge of a mass measuring apparatus approved by the Minister.

(2) The tare of a motor vehicle referred to in subregulation (1), shall be determined in the presence of a person nominated by the Minister.

### **Application for exemption from motor vehicle licence fees**

**15A.72** (1) The owner of a motor vehicle which is registered as a welfare organisation or which is an educational organisation or a body of persons concerned with community services, may apply to the Minister, on a form approved by the Minister, to be exempt from the payment of motor vehicle licence fees in respect of such vehicle, and such application shall be accompanied by -

- (a) the acceptable identification of the owner and, where the owner is a body of persons that of its proxy and representative and a letter of proxy; and
- (b) any additional information or documents as may be required by the Minister.

(2) On receipt of an application in terms of subregulation (1), the Minister shall -

- (a) consider such application;
- (b) notify the applicant concerned and the appropriate registering authority of his or her decision; and
- (c) if the application is granted -
  - (i) issue a certificate of exemption, on a form approved by the Minister; and
  - (ii) record such exemption in the register of motor vehicles.

(3) An owner of a motor vehicle to whom a certificate of exemption

referred to in subregulation (2)(c) has been issued shall submit that certificate to the appropriate registering authority when applying for the licensing of the motor vehicle concerned.

(4) The Minister may at any time withdraw an exemption referred to in subregulation (1).

### **Special exemption of certain motor vehicles from licence fees**

**15A.73** Notwithstanding any provision to the contrary contained in this Chapter, a motor vehicle the owner of which is a Government ministry, a regional council or a local authority council shall be exempt from the payment of motor vehicle licence fees until such date with effect from which the Minister may, by notice in the *Gazette*, declare any such motor vehicle to be subject to the payment of such fees.

### **Motor vehicles registered with a body not appointed as registering authority**

**15A.74** A motor vehicle which, prior to the coming into operation of this Chapter, was registered by any Government ministry which is not appointed as a registering authority, shall, on a date determined by the Minister by notice in the *Gazette*, be required to be registered in terms of regulation 15A.13.

### **Manufacturer, builder or importer to provide certificate**

**15A.75** A manufacturer, builder or importer, who disposes of a motor vehicle manufactured, built or imported by him or her, shall furnish the person who becomes the new title holder of such motor vehicle with the certificate referred to in regulation 15A.7(2)(e)(ii).

### **Transitional period for motor vehicle licensing**

**15A.76** Notwithstanding the provisions of regulation 15A.24, a motor vehicle registered in Namibia upon the commencement of this Chapter, may, upon its registration and licensing in accordance with this Chapter for the first time, be licensed for a period not exceeding 24 months, as determined by the Minister, and the fees payable in respect of any such period which is less or more than one year shall be calculated on a pro-rata basis.

**Special exemption from payment of registration fee**

**15A.77** A motor vehicle which, upon the commencement of this Chapter, is registered and licensed in terms of Chapter II of the Ordinance, shall be exempted from the payment of the registration fee prescribed in Schedule 2 to that Ordinance when such vehicle is registered by the same owner or title holder for the first time in terms of this Chapter.”

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